

Humboldt Universität zu Berlin

Dissertation

**“How a state is made” – Statebuilding and
nationbuilding in South Sudan in the light of
its African peers**

Zur Erlangung des akademischen Grades Doctor Philosophiae (Dr.phil.)

Kultur-, Sozial- und Bildungswissenschaftliche Fakultät

Ole Frahm

Dekan: **Prof. Dr. Julia Blumenthal**

Gutachter: 1. **Prof. Dr. Herfried Münkler**

2. **Prof. Dr. Andreas Eckert**

Datum der Einreichung: **16. Juni 2014**

Datum der Promotion: **16. Dezember 2014**

ACKNOWLEDGMENTS

First of all, I want to thank my supervisor Herfried Münkler for agreeing to supervise a very different PhD project from the one I had originally approached him with and to Andreas Eckert for his time and advice. Many thanks also go out to Chris Milner who at Tom and Lindsay's wedding unwittingly inspired me to undertake this long and arduous trip through countless hours in the library. Thus, I am very grateful to the staff at the Grimm-Zentrum and the Asien/Afrikabibliothek in Berlin and especially to those unknown readers that lit up the collective silence with an occasional smile.

Very many thanks go to the Sudd Institute in Juba and its entire staff for helping me tremendously during my stay in Juba as well as to Francis Middleton and all the other ODI fellows who welcomed me in their house in Thonping in exchange for some pitiful bars of Swiss chocolate. Thanks, of course, to everyone in South Sudan and elsewhere who agreed and took the time to talk to me, to the manifold feedback and exchange of ideas at various conferences as well as to the boda-boda drivers who delivered me safely wherever I went.

A special thanks to my parents Anne and Jens for love and support in so many ways, to my in-laws Ayşegül and İrfan in Istanbul where part of the final version was written and to İdil, Erol and Filiz who at the last minute procured the malaria pills; thanks to all my friends and to my grandmother Gertrud who passed away shortly before the end of this PhD project but who is very much alive in my mind. But above all, I want to and have to thank my wife İrem without whom I would have neither started nor finished this journey and without whom it would not have made any sense.

To all of you and many more: Thank you.

Table of Contents

Acronyms.....	6
1. Introduction.....	9
1.1. Research question	10
1.2. Theoretical-philosophical justification for the approach	12
1.3. Research methods	16
1.4. Structure of the thesis	19
2. State, nation and nation-state in European thought and history	22
2.1. The state	22
2.2. The nation.....	26
2.3. The territorial nation-state.....	28
3. Overview over trends in Africa's political and social history	32
3.1. From colonialism to life in the postcolony	32
3.1.1. Colonization and decolonization	32
3.1.2. Life in the postcolony – a brief overview	34
3.2. The nation-state in Africa: Colonial heritage in the postcolony.....	37
3.2.1. The nation-state in Africa: the Black Man's Burden?	40
3.2.2. Colonial boundaries: obstacle or asset to state-building?	41
3.2.3. Continuity of the political system: new states or new regimes?	44
3.2.4. Strong or Berlinist states?	45
3.3. Colonial heritage and the African territorial nation-state – a short summary	46
4. Typology of the African nation-state.....	48
Excursus: The failure of the failed state	48
4.1. Nature of the postcolonial African state: the deficient state	51
4.1.1. The hybrid quasi state	52
4.1.1.1. The quasi state - a state in name only.....	52
4.1.1.2. The hybrid state: informal non-state actors, non-state spaces	54
4.1.1.3. The hybrid quasi state – a summary	57
4.1.2. The illegitimate state.....	58
4.1.2.1. The non-performing state: a state without institutions.....	58
4.1.2.2. The undemocratic state: a state without society.....	61
4.1.2.3. The illegitimate state – a summary	64
4.1.3. The privatized neopatrimonial state	64
4.1.3.1. The privatized criminal state – kleptocracy and corruption.....	65
4.1.3.2. The neopatrimonial state: o brother, I feed thee	69
4.1.3.3. The privatized neopatrimonial state – a summary	73

4.1.4.	The swollen centralized state	74
4.1.4.1.	The bloated centralized state	74
4.1.4.2.	The decentralized federal state	76
4.1.4.3.	The swollen centralized state – a summary	78
4.2.	Nature of the postcolonial African nation	78
4.2.1.	Inclusive state-driven nationbuilding	79
4.2.1.1.	African inclusive nationalism in colonial and early postcolonial times	79
4.2.1.2.	Othring to create national unity	82
4.2.1.3.	Nationalism in spite of the state	85
4.2.1.4.	State-driven nationbuilding in Africa – a summary	86
4.2.2.	Politicized ethnicity	86
4.2.2.1.	Invention of Ethnicity	86
4.2.2.2.	Agitation against ethnic groups: “For the nation to live, the tribe must die”	88
4.2.2.3.	Resurgence of political ethnicity	91
4.2.2.4.	Political ethnicity and the nation – a summary	95
4.2.3.	The ‘new’ exclusive nationalism	95
4.2.3.1.	Exclusionary nationalism and citizenship: the politics of ‘who is who’	96
4.2.3.2.	Autochthony: the politics of ‘who was here first’	98
4.2.3.3.	Religion and the nation: fighting for adherents	101
4.2.3.4.	Justice and Reconciliation	103
4.2.3.5.	The New Nationalism – a summary	104
4.3.	The African nation-state vis-à-vis the European nation-state	104
5.	A very brief history of South Sudan	106
5.1.	Precolonial times to Sudanese independence in 1956	108
5.2.	Anyanya rebellion to the end of the Southern regional government in 1983	110
5.3.	New Sudan to the Naivasha Peace Agreement in 2005	111
5.4.	Comprehensive Peace Agreement to Independence and beyond	113
6.	The state and statebuilding in South Sudan	115
6.1.	The hybrid quasi state in South Sudan	115
6.1.1.	The quasi state in South Sudan	115
6.1.1.1.	International recognition of statehood	116
6.1.1.2.	External actors and states involved in South Sudanese affairs	117
6.1.1.3.	Control over international borders	122
6.1.2.	The hybrid state in South Sudan	131
6.1.2.1.	State agents of security provision	131
6.1.2.2.	Internal non-state agents of violence	134

6.1.2.3.	Demobilization, Disarmament, Reintegration.....	140
6.1.3.	The hybrid quasi state in South Sudan – at a glance.....	144
6.2.	The illegitimate state in South Sudan.....	146
6.2.1.	The non-performing state: modern state institutions & services in South Sudan.....	146
6.2.1.1.	Presence of the state and its institutions.....	146
6.2.1.2.	Judicial system.....	151
6.2.1.3.	Education.....	156
6.2.1.4.	Health care	159
6.2.2.	The unaccountable state: democratization in South Sudan	162
6.2.2.1.	Elections: “converting the bullets into ballots”	162
6.2.2.2.	Party politics in South Sudan.....	166
6.2.2.3.	Governmental conduct & the ethos of democracy.....	172
6.2.2.4.	Civil society, freedom of speech & the press	176
6.2.3.	The illegitimate State in South Sudan – at a glance	178
6.3.	The privatized neo-patrimonial state in South Sudan.....	181
6.3.1.	The privatized state in South Sudan: resource economy & the gatekeeper state.....	181
6.3.1.1.	Oil & the resource curse	181
6.3.1.2.	Taxation & non-oil state revenue.....	184
6.3.1.3.	Land grabs & land sales	185
6.3.1.4.	Theft, illicit trade, organized crime – the criminalized state.....	188
6.3.2.	The neopatrimonial state in South Sudan.....	190
6.3.2.1.	Patronage networks: the political economy of paternalism in South Sudan.....	191
6.3.2.2.	“If you swallow something that belongs to the people, we will force you to vomit it out” - Popular perceptions of corruption and the state’s response	193
6.3.3.	The privatized neopatrimonial state in South Sudan – at a glance.....	197
6.4.	The swollen centralized state in South Sudan.....	198
6.4.1.	Decentralization vs. Centralization in South Sudan	198
6.4.1.1.	Decentralization in South Sudan	198
6.4.1.2.	Opposition to decentralization.....	200
6.4.1.3.	De facto centralization of authority: Juba rules	201
6.4.2.	Federalism, Regionalism & <i>kokora</i>	203
6.4.2.1.	South Sudan’s states: federal system or arms of the executive	203
6.4.2.2.	Regionalism in Southern Sudan: Equatoria and the new kokora debate.....	205
6.4.2.3.	County multiplication and boundary disputes	208
6.4.3.	Local Government vs. Traditional Authorities.....	209
6.4.3.1.	Local Government Act: paper vs. reality	209

6.4.3.2.	Chiefs and traditional authorities in the power structure	211
6.4.4.	The swollen centralized state in South Sudan – at a glance	214
6.5.	The South Sudanese state vis-à-vis the African postcolonial state	215
7.	The nation and nationbuilding in South Sudan	217
7.1.	Inclusive state-driven nationalism in South Sudan	217
7.1.1.	From Sudanese nationalism to South Sudanese nationalism	218
7.1.1.1.	Sudanese nationalism.....	218
7.1.1.2.	Alienation of South Sudanese within Sudan since independence in 1956	220
7.1.1.3.	John Garang’s ‘New Sudan’ vision	223
7.1.2.	Official nationalism in contemporary South Sudan.....	224
7.1.2.1.	History of resistance and the ‘heroic war of liberation’	226
7.1.2.2.	Unity-in-diversity: a multicultural ideal.....	231
7.1.2.3.	Language politics: English versus (Juba) Arabic.....	234
7.1.3.	Othering to create national unity and identity in South Sudan	237
7.1.3.1.	Arabs – the old enemy is the new enemy	237
7.1.3.2.	Africanism.....	239
7.1.3.3.	Literature, Arts, Sports	241
7.1.4.	Nationbuilding and state nationalism in South Sudan – at a glance	242
7.2.	Political ethnicity as a challenge to state nationalism in South Sudan	244
7.2.1.	Tribalism as the enemy of the nation-state	245
7.2.2.	Dinkacracy: Fear of Dinka domination & rivalry between Nuer and Dinka	248
7.2.3.	Political parties and ethnicity	252
7.2.4.	Cattle and the nation – Raiding and localized violence.....	253
7.2.5.	Politicized ethnicity and ‘tribalism’ in South Sudan – at a glance	255
7.3.	‘New nationalism’ in South Sudan: Autochthony, Religion, Reconciliation	256
7.3.1.	Belonging to the land – “the land belongs to us”	256
7.3.2.	Xenophobia, racism and social marginalization	260
7.3.2.1.	Xenophobia.....	260
7.3.2.2.	Internal exclusion – returnees, women, youth gangs	261
7.3.3.	Contested citizenship	264
7.3.4.	Christianity.....	266
7.3.5.	Justice and Reconciliation	269
7.3.5.1.	Churches and people-to-people reconciliation	269
7.3.5.2.	Official reconciliation efforts	270
7.3.6.	‘New nationalism’ in South Sudan – at a glance	273
7.4.	The South Sudanese nation vis-à-vis the African postcolonial nation	274

8. Discussion and Conclusion	276
8.1. Research Question and Methodology Revisited	276
8.2. The Nation-State in South Sudan and Africa – main findings at a glance	278
8.3. From South Sudan to Africa – Theoretical reflections on state and nation.....	283
8.3.1. Sequence of nationbuilding and historical timing.....	283
8.3.2. Mass displacement: a challenge to nationbuilding theory?	285
8.3.3. The mutual linkages between different facets of statehood	286
8.3.4. War and the African nation-state.....	287
8.4. Outlook on further research & South Sudan’s development trajectory	288
8.4.1. A need for more comparative research	288
8.4.2. The relationship between statebuilding and nationbuilding in South Sudan & Africa	289
References.....	293
Newspapers & other online sources	358

Acronyms

ANC: African National Congress, South Africa's governing party

AU: African Union, founded in 2002, headquarters in Addis Ababa, successor to the OAU

CAR: Central African Republic

CIA: Central Intelligence Agency

COTAL: Council of Traditional Authority Leaders in South Sudan

CPA: Comprehensive Peace Agreement, signed by NCP and SPLM in 2005

CPJ: Committee to Protect Journalists

DDR: Disarmament, Demobilization and Reintegration

DFID: Department for International Development (UK)

DRC: Democratic Republic of Congo (formerly Zaïre)

DUP: Democratic Unionist Party, a Sudanese opposition party headed by Al-Mirghani, closely associated with the Khatmiyya Sufi order

EU: European Union

FAO: Food and Agricultural Organization of the United Nations

GDP: Gross Domestic Product

GIZ: Gesellschaft für internationale Zusammenarbeit, German development cooperation agency

GoSS: Government of Southern Sudan; since 2011: Government of South Sudan

ICC: International Criminal Court in The Hague

ICRC: International Committee of the Red Cross

IDMC: Internal Displacement Monitoring Centre

IDPs: Internally Displaced Persons

IGAD: Intergovernmental Authority on Development, successor to IGADD

IGADD: Inter-Governmental Authority on Drought and Development in Eastern Africa (1986-1996)

IMF: International Monetary Fund

IRI: International Republican Institute, a U.S. advocacy organization associated with the Republicans

JEM: Justice and Equality Movement, a rebel movement in Darfur, with close relations to the GoSS

LRA: Lord's Resistance Army, a rebel militia originally from Uganda headed by Joseph Kony

MP: Member of Parliament

NCP: National Congress Party, Sudan's governing party, founded in 1998, headed by president Bashir

NDI: National Democratic Institute, a U.S. advocacy organization associated with the Democrats

NGO: Non-governmental organization

NIF: National Islamic Front, Sudan's governing party since 1989 until the rebranding as NCP in 1998, close association with the Muslim Brotherhood

NSCC: New Sudan Council of Churches

OAU: Organization of African Unity, founded in 1963

OECD: Organization for Economic Cooperation and Development

PCA: Permanent Court of Arbitration in The Hague

RAND: Research and Development Corporation, a U.S. think tank

SDG: Sudanese Pounds

SPLA: South Sudan People's Liberation Army, former rebel army and current army of South Sudan

SPLM: South Sudan People's Liberation Movement, former rebel movement (founded in 1983) and current government party in South Sudan

SPLM-DC: South Sudan People's Liberation Movement – Democratic Change, an opposition party founded in 2009 by Lam Akol with mostly Shilluk supporters

SPLM-in-Opposition: name for the rebel alliance headed by Riek Machar that is fighting the South Sudanese government since December 2013.

SPLM-N(orth): former branch of the SPLM, since 2011 a separate movement that fights the Khartoum government in the Sudanese states of Southern Kordofan and Blue Nile

SRG: semi-autonomous Southern Regional Government, existed from 1972-83

SSDF: South Sudan Defence Forces, a powerful Southern militia formerly opposed to the SPLM/A, was integrated into the SPLA after 2006 Juba Declaration

SSHURSA: South Sudan Human Rights Society for Advocacy

SSLA: South Sudanese Legislative Assembly, the South Sudanese parliament

SSP: South Sudanese Pounds

SSPS: South Sudan Police Service

TANU: Tanzania African National Union, Tanzania's governing party from independence to 1977

UDF: United Democratic Front, South Sudanese opposition party

UNDP: United Nations Development Programme

UNESCO: United Nations Educational, Scientific and Cultural Organization

UNHCR: United Nations High Commissioner for Refugees

UNICEF: United Nations Children's Fund

UNMAS: United Nations Mine Action Service

UNMIS(S): United Nations Mission in (South) Sudan

UPDF: Ugandan People's Defence Force, Uganda's national army

USAID: U.S. Agency for International Development

USD: U.S. Dollars

USSP: United South Sudan Party

WAAFG: women associated with armed forces and groups

ZANU-PF: Zimbabwe African National Union – Patriotic Front, Zimbabwe’s governing party

1. Introduction

In the summer of 2014, more than a million people have been displaced and more than ten thousand mostly civilians have been killed by fighting in South Sudan as the country finds itself oscillating between civil war and an uncertain ceasefire that has already been broken multiple times by both sides in the conflict. As a matter of fact, the leaders of the two factions, the government on the one hand and the rebels on the other hand, are members of the same party, the Sudan People's Liberation Movement (SPLM) which has been dominating the politics of Southern Sudan since the end of more than two decades of fighting in 2005. President Kiir and the head of the SPLM-in-Opposition Riek Machar and their delegates travel regional capitals to rally support and to lay out their version of events, the composition and function of a yet-to-be convened interim government is being debated in newspapers and online forums; all the while, donor conferences are held in the West in order to stave off a looming famine that threatens to become the continent's worst since the 1980s.

Not even three years after South Sudan became the world's newest internationally recognized state in the wake of a near-unanimous independence referendum in January 2011 which paved the way for secession from Sudan – whose Islamist regime was at the time deemed a pariah state on the level of North Korea – pundits from South Sudan and abroad wonder aloud whether it was a good idea for the United Nations, African Union and international mediators from the U.S., UK, Norway, Kenya, Ethiopia and several other countries to allow South Sudan into the family of nations. Yet, even in the midst of what are without exaggeration the depths of misery, there are many individuals, groups and countries that continue to have high hopes for the country and are willing to invest time, effort, resources and clout to see the aspiring nation-state of South Sudan succeed. Among these supporters of South Sudan's statehood and collective national belonging there is however no agreement over what would constitute success and over how state and nation ought to look like. Two examples from conversations I had in Juba:

I want South Sudan to be like South Korea. After the war with the North, South Korea was one of the poorest countries in the world. And look at it now! (A member of South Sudan's Ministry of Foreign Affairs)

We don't have one model or one country that we strive to be like. We want to take things from a number of countries. Personally, I believe we can learn something in the political system from the United States and from South Africa. And we should try to be like China and Norway in our economic system. (A member of the SPLM politburo)

As this small sample of visions for the state of South Sudan indicates, hopes and expectations are not only high but include seemingly contradictory objectives. China and the United States have fundamentally different political systems and there is very little in common between the collective identity of Norwegians and South Africans. What these countries share, however, is that from the vantage point of South Sudan's elites they represent (relative) affluence and stable functioning states; features that South Sudan aspires to yet clearly lacks in the present. Even before the crisis that erupted in December 2013, South Sudan had the world's highest rates of illiteracy and maternal mortality, was set to miss all of its Millennium Development Goals and was home to several smaller rebellions, continuous cycles of cattle raids, persistent conflict with Khartoum and growing popular

disappointment with the lack of improvements to living conditions. All these challenges to the South Sudanese state and to the collective unity of the new state's people have left their mark:

You ask me what unites South Sudanese today? Nothing. (A former minister in the Government of National Unity)

It is exactly this question how the state and the nation of South Sudan have evolved to date and how state and nation are likely to evolve in the future that drive the interest, focus and approach of this research endeavour.

1.1. Research question

What this research undertaking sets out to accomplish is to come up with answers to the questions:

- a) How do the African state and nation and the processes of statebuilding and nationbuilding in Africa differ from the ideal-type of the nation-state derived from the experience of Western Europe?
- b) As a late-comer to independence, how does South Sudan's record in building state and nation compare to that of its African peers and what can be learnt from this comparison for our understanding of African nation-states and for the evaluation and likely trajectory of South Sudan?

My underlying assumptions in approaching the questions and hence the hypotheses that guide the analysis are first of all that African states and nations – while sharing certain characteristics with European and Western nation-states – overall constitute a distinct class of nation-states that warrants a thorough typology of state and nation in order to establish a better understanding of developments and developmental trends in individual countries as well as continent-wide. Secondly, I work with the hypothesis that the anomalous case of South Sudan as a latecomer to statehood and nationhood can both benefit from a comparison to the typology of African nation-states (as opposed to an idealized European model) but also highlight the strengths and weaknesses of said typology.

Thus, the underlying idea that inspires the comparative framework that the analysis is built around is twofold: (1) to shed light on South Sudan's very recent statebuilding and nationbuilding project from the perspective of the not-quite-as-recent postcolonial statebuilding and nationbuilding projects in post-colonial Africa; (2) to reflect on established views of said postcolonial state- and nationbuilding in Africa from the vantage point of the anomalous case of South Sudan as a late-comer that declared independence not from a European colonial power but from the Northern half of Sudan.

In other words, the analysis of theories of the African state and African nation is to guide my perspective on the statebuilding and nationbuilding project in South Sudan, in particular by highlighting and putting a spotlight on those developments South Sudan might – but need not – encounter in the coming years and decades. The expectation is that by applying this slightly unusual perspective, different aspects of African statebuilding and nationbuilding might shine up that have so far not been adequately appreciated. Moreover, the typology will also furnish an overview of theoretical approaches to the study of African states and nations as they have evolved since at least the late colonial period. Hence, in addition to providing this study with weather-tested perspectives, theoretical looking glasses that can also be applied to South Sudan, some of the gaps and omissions in the existing literature on African states and African nations will equally become apparent.

By highlighting the varying experiences of African states since independence, their struggles and successes, their structures and institutions (formal or informal), as well as the conditions and international political climates which shaped their trajectories, a clearer understanding of the challenges that South Sudan faces and is likely to face will be much facilitated. This is not to say that I will deduce some deterministic development trajectories that the South Sudanese state and nation cannot fail to comply with. Rather, present and recent developments in the political, administrative and international field that would otherwise only be interpreted as singular acts may appear in an altogether different light when contrasted with similar events in other parts of the continent.

To the best of my knowledge, no such undertaking has so far been published. There are, of course, many academic works that have tried to address the African state and the African nation on a continental level. The vast majority of these analyses, however, have sought to add a specific label to either the African state or nation, a label that seeks to depict what sets apart the African nation and state from nation-states elsewhere on the globe. In fact, many of these works – by Ake, Bayart, Chabal, Dorman, Englebert and many more from almost every letter in the alphabet – have been consulted and utilized in assembling and compiling the novel typology of the African nation-state that is one the contributions of *this* research project to the academic discourse.

With regard to South Sudan, academic production – much of which will be referenced in later chapters – has for a long time going back to Evans-Pritchard been dominated by anthropological studies. More recently, driven by war, famine and humanitarian relief, research – oftentimes carried out for or as part of work in and on Southern Sudan (advocacy, relief, missionary) – has focused on issues of refugees and displacement, on the role of non-governmental organizations (NGOs) and on models of economic development and reconstruction. In terms of *political* analyses, research has concentrated on the inner workings of the SPLM, relations between civilian and military operations, the peace process that culminated in the 2005 Comprehensive Peace Agreement, the transition to a parliamentary democracy, the coexistence of traditional and statutory forms of governance and law and many reports on very specific aspects, for instance the internal make-up of the body charged with drafting the country's permanent constitution.

Regarding nationalism and collective identity, there is a large body of work dissecting the failure of Sudanese nationalism to win traction with the people of Sudan due to its ethnically and religiously exclusive and racist stance on national belonging. South Sudanese collective identity has either been portrayed along ethnic lines, with anthropological research generally focusing on only one ethnic group or sub-group (for example Dinka or Bor Dinka, Ngok Dinka, etc.) or been seen as coterminous with the armed struggle against successive Khartoum governments and their allies. When discussed at all, writers note the failure of South Sudanese political and intellectual elites to develop a vision of the nation that a majority of South Sudanese adhere to.

One last preliminary remark: it would be impossible and, indeed, unnecessary to attempt to present and regurgitate each and every approach to the study of African states that has been published and discussed. Hence, I follow Locher's guideline for the writing of universal history: "one should not confuse totality with completeness. The whole is more than the assembled parts, but it is surely also less"¹. What my approach not only acknowledges but accepts is the necessarily subjective nature of

¹ Locher, Theodor Jakob Gottlieb. *Die Überwindung des europäozentrischen Geschichtsbildes*. Wiesbaden: Franz Steiner, 1954, p. 15, cited in Wallerstein, Immanuel. *The Modern World System I: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century. With a new prologue*. Berkeley et al.:

the categories of analysis that arise out of the specific reading, selection and distillation of theories of the African nation-state that I have undertaken. Their strengths and weaknesses will be entirely due to my own intellectual input.

Approaching the study of South Sudan in light of post-colonial statebuilding in all of Sub-Saharan Africa is inspired by an idea taken from the work of Carlo Ginzburg. Rules of a given historical time are best understood and illustrated by looking at anomalies:

An object, as we saw, may be chosen because it is typical (González) or because it is repetitive and therefore capable of being serialized (Braudel, apropos the *fait divers*). Italian microhistory has confronted the question of comparison with a different and, in a certain sense, opposite approach: through the anomalous, not the analogous.²

At first sight, it may seem a rather odd endeavour to look at the experience of other African countries, or of *the* African state in general, for guidance and insights into the likely trajectory of the nascent South Sudanese statebuilding and nationbuilding project. Is not every instance of state-formation and nationbuilding so idiosyncratic as to disallow inferences derived from previous cases? Even if we allow for comparisons between some ideal-type state and statebuilding process and the singular case of South Sudan, why should the focus be on African states, in particular? And how can the research plan sketched out above be realized in practice? Answering the issues raised by these questions will be the object of the coming section that seeks to provide a justification for approaching the research project from this particular angle.

1.2. Theoretical-philosophical justification for the chosen approach

Greece and Finland differ in so many respects in terms of their socio-economic, political and cultural make-up, that calling both of them European does not illuminate any commonalities except for geography and joint membership in a political body, the European Union. Likewise, one might wonder in how far comparisons or at least juxtapositions of South Sudan with, say, Angola or Côte d'Ivoire could broaden our understanding of the parameters of the South Sudanese state and nation³ and our grasp of obstacles and limitations South Sudan is prone to encounter in the coming years and decades, any better than a comparison to Uruguay or Sri Lanka⁴. Sangmpam, for instance, suggests that instead of analyzing the African state as peculiarly African we should pursue cross-continental analyses of 'Third World' states⁵.

Alas, I believe there are a number of reasons why it makes perfect sense to turn our gaze to the experience of states and nations in South Sudan's relative vicinity. For one, the colonial experience is shared by almost all African states on today's map (Ethiopia and arguably Liberia are the lone

University of California Press, 2011, p. 8; in the original: "man soll Ganzheit nicht mit Vollständigkeit verwechseln. Das Ganze ist mehr als die zusammengesetzten Teile, aber es ist gewiß auch weniger als diese."

² Ginzburg, Carlo, "Microhistory: Two or Three Things That I Know about It", *Critical Inquiry*, Vol. 20, No. 1, Autumn 1993, pp. 10-35, p. 33.

³ For instance, income discrepancies between different African countries are massive. As the World Bank highlights, annual per capita income ranges from 200 US\$ (Burundi) to 20,000 US\$ (Equatorial Guinea). World Bank. *Africa's Future and the World Bank's Support to It*. Washington D.C., March 2011, p. 7.

⁴ Precisely such a comparison between post-war dynamics can be found in Shanmugaratnam, Nadarajah (ed.) *Between war & peace in Sudan & Sri Lanka: deprivation & livelihood revival*. Oxford: James Currey, 2008.

⁵ Sangmpam, S. N., "The Overpoliticized State and Democratization: A Theoretical Model", *Comparative Politics*, Vol. 24, No. 4, 1992, pp. 401-417.

exceptions) and the experience of colonialism shaped and continues to shape many aspects of African life, society and state. In addition, it has been argued that in contrast to the rest of the world, which is in the process of state consolidation, even today “[t]he vast majority of countries in Africa are first and foremost preoccupied with state formation”⁶. Effective control over territory and communities is still elusive for most African states, a trait that arguably sets them apart from states elsewhere on the globe.

Secondly, a diverse ethnic make-up and persistent ethnic and other sub-national allegiances are a characteristic of virtually all African states. In contrast to states in other parts of the world that started off with equally heterogeneous populations, African states did not have centuries or even decades to integrate their citizenry and to develop a sense of national belonging. Nationalist movements in most African countries only predated independence by roughly a decade and sometimes even less. In that sense, post-colonial Africa has been a fascinating and increasingly bloody experiment in trying to create national citizens from scratch. The fact that borders have remained largely intact, i.e. in the shape of colonial administrative units, makes this even more intriguing and uniquely African (Latin America’s experience may at first sight seem the closest equivalent but given that most states gained independence from Spain in the 1820s, comparisons to African states whose independence dates from the 1960s would rather force the matter).

Third, any action an individual state may consider taking is not only constrained by domestic considerations but also by the state system a state finds itself in. The African state system as it has developed over the last half century is therefore crucial to understanding the constraints that South Sudan faces and is likely to face. Not least because, as Alex Klein asserts for the Horn of Africa, the states’ porous borders “continuously crossed by people, animals, goods, and political ideas [...] are wide open channels of communication that link neighbouring states in a web of mutual dependence”⁷. And it is in this sense that we will have to take a look, at least initially, at the European territorial nation-state as it is in some forms also instructive for our understanding of African nation-states. For one, all states in the world are based on the European state model, which is also the basis for the international state system that all contemporary states adhere to⁸.

Finally, the study of the state, its evolution, rise and fall (or in Africa’s case, the preferred wording is ‘fail’) is not only a reflection of the changing nature and environment in which states existed, it also sheds light on those who looked at and tried to make sense of these states and the processes of nationbuilding in these states at varying stages of their half century of existence. As Chabal writes: “The political theories that are relevant to the study of post-colonial Africa fall into distinct, largely chronological, categories: development, Marxist, dependency, socialist, indigenous, neo-patrimonial and democratic”⁹. While the light may be uncomfortably bright for some theoretical models which along with their exponents have fallen out of favour and out of fashion, reflecting on and reminding ourselves of our own preconceptions is, I believe, a necessary task for any academic endeavour. It is a truism that any thinker is by necessity a child of his or her time. Hence, the current orthodoxy in

⁶ Hyden, Göran. *African politics in comparative perspective*. Cambridge: Cambridge University Press, 2006, p. 70

⁷ Klein, Alex, “Turbulentes Horn von Afrika: Politische Regime im Übergang”, in Debiel, Tobias (ed.) *Der zerbrechliche Frieden: Krisenregionen zwischen Staatsversagen, Gewalt und Entwicklung*. Bonn: Dietz, 2002, pp. 240-262, p. 241.

⁸ Eriksen, Stein Sundstøl, “The theory of failure and the failure of theory: ‘state failure’, the idea of the state and the practice of state building”, in Harpviken, Kristian Berg (ed.) *Troubled Regions and Failing States: The Clustering and Contagion of Armed Conflicts*. Bingley: Emerald Group, 2010, pp. 27-50, p. 33.

⁹ Chabal, Patrick. *Africa: the politics of suffering and smiling*. London: Zed Books, 2009, p. 3.

the literature and (professed) practice of post-conflict statebuilding and nationbuilding, i.e. to focus on capacity building and empowerment of locals, justice and reconciliation, democratization and local government, societal cohesion and national symbolism etc.¹⁰ should not cloud our perception of what is actually taking place on the ground.

This, a comparison to the reality of nation-states as they exist in Africa today, I take to be a much more appropriate and sensible approach for the study and evaluation of South Sudan's statebuilding and nationbuilding experience than holding the latter to a standard abstracted from the West European experience of statehood and nationhood¹¹ and an ideal-typical notion of the nation-state¹². As Marx points out: "Wenn man die afrikanische Realität allein an europäischen Staatsmodellen misst, lassen sich die Defizite konstatieren, aber jenseits ethnozentrischer Befriedigung bleibt der Erkenntniswert gering"¹³. Thus, when speaking of African nation-states in the course of this thesis, the use of the term does not automatically connote the fact that African countries comply with the criteria necessary to satisfy theorists of European-style nation-states but that they are nation-states *in aspiration*. Hence, I fully concur with Triulzi and Ercolessi's argument that

Setting the standards and goals of 'governmentability' which Europe achieved over centuries of contrasts and war to postcolonial Africa fifty years after its independence is, in our view, unfair and misleading. If we examine the unfolding of the state in Africa, bearing in mind the model of nation-state as it developed in the western world, its intermittent growth can only be one of frustration and failure.¹⁴

On the other hand, there are indeed a number of challenges for such a bottom-up approach. Comparing South Sudan's statebuilding and nationbuilding experience to the overall Sub-Saharan African experience of postcolonial statebuilding and nationbuilding is neither coterminous with a search for the authentically African origins of the African and South Sudanese polity nor with the political convictions of its leaders. We have to acknowledge and recognize the fact that most of the SPLM's leadership have spent time abroad, either in exile or as part of the campaigns to gather international support, and are hence influenced by conceptions of the 'good state' and 'good governance' that are *du jour* in the Western world. This point obviously also holds for many who have not been abroad as the presence of foreigners, NGOs as well as the increasing ease with which information can be accessed online (admittedly not to the same degree in all parts of South Sudan) mean that present-day politicians and lawmakers are not operating in a vacuum of traditional conceptions of rule and the state. Rather, various conceptions – traditional, modern (democratic, republican, etc.), amalgamates – exist parallel to each other. Hardly anybody in today's world acts in isolation or ignorance of alternatives, unless they actively and vigorously choose to.

¹⁰ For a comprehensive insight into the state of the art in post-conflict reconstruction see for example Chetail, Vincent (ed.) *Post-conflict Peacebuilding: A Lexicon*. Oxford et al.: Oxford University Press, 2009.

¹¹ See Cooper, Frederick. *Africa since 1940: The past of the present*. Cambridge: Cambridge University Press, 2002.

¹² Schlichte, Klaus. *Der Staat in der Weltgesellschaft: politische Herrschaft in Asien, Afrika und Lateinamerika*. Frankfurt: Campus-Verlag, 2005, p. 6.

¹³ Marx, Christoph. *Geschichte Afrikas: von 1800 bis zur Gegenwart*. Paderborn: Schöningh, 2004, p. 271.

¹⁴ Triulzi, Alessandro and Ercolessi, M. Cristina, "Introduction", in Triulzi, Alessandro and Ercolessi, M. Cristina (eds.) *State, Power, and New Political Actors in Postcolonial Africa*. Milan: Fondazione Feltrinelli, 2004, pp. IX-XL, pp. X-XI.

Moreover, the argument has been made that the attempt by developing countries to imitate Western institutions of governance on the surface while failing to function accordingly, what Pritchett et al. call “isomorphic mimicry”, is a major factor why development falls short¹⁵. This is also linked to the fact that “State-building – the development of international mechanisms aimed at addressing cases of state collapse or at shoring up failing states – is increasingly becoming the dominant framework for the international regulation of non-Western states”¹⁶. Nonetheless, I should make clear that this is not a normative undertaking that seeks to prove that the state is not the only form of group organization and that wants to warn against the alleged Western preoccupation of reconstructing the state in response to conflicts and state failure in Africa¹⁷.

Quite the contrary, it needs to be recognized that the state and the nation-state as models and at least aspirational realities are here to stay: “The state is pivotal to the political future of African countries. Even in the most abject cases of political chaos in Africa, some institutional form of political and administrative organization exists which calls itself, and is recognized as, the state”¹⁸. In spite of reveries of a pan-African entity and a voluminous body of writing and speeches lambasting the failure of the nation-state to deliver the same benefits to Africans that it had done to Europeans, the nation-state has been the dominant paradigm for African political elites past and present and for the large majority of those involved in trying to build states and nations on the continent.

Yet, some further clarifying remarks are necessary to address a certain line of thinking on African politics and African issues more generally. This refers in particular to the line of critique by postcolonial thinkers who are convinced of “the persistence of colonial forms of power and knowledge into the present”¹⁹. According to this reasoning, the academic production of knowledge of and about Africa predominantly conducted by Western scholars and institutions is part of the machine of (neo) colonialism that continues unabated today²⁰. This understanding of the discursive formation of knowledge as an exercise of power is explicitly developed by Edward Said’s *Orientalism* according to which going back to the onset of the Enlightenment, Orientalism had become a “mode of discourse with supporting institutions, vocabulary, scholarship, imagery, doctrines, even colonial bureaucracies and colonial styles” through which European culture produced the oriental ‘other’²¹. The perspective of the colonized is, in contrast, nowhere to be heard, read or seen; it is thus tantamount to being non-existent as Gayatri Chakravorty Spivak outlined in her seminal article *Can the Subaltern Speak?*²². These critical perspectives cannot simply be put aside and need to be addressed in the coming chapter on the research methods employed.

¹⁵ Pritchett, Lant; Woolcock, Michael and Andrews, Matt. *Capability Traps? The Mechanisms of Persistent Implementation Failure*. Washington, D.C.: Center for Global Development, Working Paper No. 234, 2010, p. 20.

¹⁶ Chandler, David. *Empire in Denial: The Politics of Statebuilding*. London: Pluto Press, 2006, p. 26.

¹⁷ Engel, Ulf and Mehler, Andreas, “‘Under Construction’: Governance in Africa’s New Violent Social Spaces”, in Engel, Ulf and Olsen, Gorm Rye (eds.) *The African Exception*. Aldershot: Ashgate, 2005, pp. 87–102, p. 100.

¹⁸ Munro, William A., “Power, Peasants and Political Development: Reconsidering State Construction in Africa”, *Comparative Studies in Society and History*, Vol. 38, No. 1, 1996, pp. 112-148, p. 113.

¹⁹ Kothari, Uma, “postcolonialism”, in Forsyth, Tim (ed.) *Encyclopedia of International Development*. Abingdon: Routledge, 2005, pp. 541-543, p. 541.

²⁰ Mudimbe, Valentin Y. *The Invention of Africa*. Bloomington and Indianapolis: Indiana University Press, 1988.

²¹ Said, Edward W. *Orientalism*. New York: Vintage Books, 1979, p. 2.

²² See, for instance, Spivak’s seminal article: Spivak, Gayatri Chakravorty, “Can the Subaltern Speak?”, in Nelson, Cary and Grossberg, Lawrence (eds.) *Marxism and the Interpretation of Culture*. Chicago: University of Illinois Press, 1988, pp. 271-317.

1.3. Research methods

How then shall I deal with the charge that any analysis of Africa as a whole (by a European, no less) inevitably reeks of Eurocentric ‘othering’? For one, I do not discount the existence of discursive othering by Western academia and laymen and the continuing global predominance of Western production of knowledge. And the statement that “historians of Africa found and continue to find themselves in a situation in which scientific work independent of societal relations of power is unthinkable”²³ clearly also applies to political scientists working on African issues, who ought to be mindful not only of their place on the globe but also of their place in the global academic power system. The converse view, however, that there is a genuinely African perspective on African issues that can be neatly juxtaposed to the Western or European perspective suffers from the same fallacy of othering.

Opening myself up to the charge of stating the obvious, African views and theories of the state and nation exhibit a variety as large as that between different Western approaches – a binary line of thinking is simplistic and in the end analytically worthless²⁴. Eurocentric perspectives, moreover, are no longer the exclusive domain of Western scholars and are equally present in the works of African academics. And to state it clearly once and for all, the objective here is *not* to write an intellectual history of African political thought since decolonization but to work out a typology of the African postcolonial nation-state as it has evolved and been described by thinkers from Africa, Europe, America, Asia and Australia. Hence, I fully agree with Bates et al.’s general contention that

knowledge from Africa is equally as significant and persuasive as knowledge from Europe, no less – and no more. And knowledge produced by an African is equally as significant as that produced by a European, no less and no more, if it has been generated, analyzed, and assessed in ways capable of withstanding the analytic and methodological rigors of the author’s discipline.²⁵

The aim of the typology of the African state and nation developed in Chapters 3 and 4 as a contrast to the concepts of state and nation as they have been developed against the historical background of Western European countries and thinkers is to approach the African nation-state from afar; starting with a broad and general outlook on continent-wide trends and periods of post-colonial nation-state development and only then slowly zooming in on particular aspects of the post-colonial African nation-state that can with some right be generalized as typical. This summarizing and distilling analysis is based on a thorough if invariably incomplete reading of the existing body of academic writing on the African nation-state. While the typology of the African nation-state that represents the intermediary results of the typology is wholly of my own doing, its composite parts have been assembled from a wide range of prior scholarship. The second part of this undertaking diverges from this method in a number of crucial aspects.

For this analysis I have employed several methods of qualitative research. First of all, much of the material I have scoured for information that could be utilized for the assessment of how much (if at

²³ Sonderegger, Arno; Grau, Ingeborg and Eckert, Andreas, “Einleitung. Afrika 1500-1900”, in Eckert, Andreas; Grau, Ingeborg and Sonderegger, Arno (eds.) *Afrika 1500-1900: Geschichte und Gesellschaft*. Wien: Promedia, 2010, pp. 9-22, p. 14 [my translation].

²⁴ Martin, Daniel. *Reading Orientalism: Said and the Unsaid*. Seattle: University of Washington Press, 2008.

²⁵ Bates, Robert H.; Mudimbe, Valentin Y. and O’Barr, Jean, “Introduction”, in Bates, Robert H.; Mudimbe, Valentin Y. and O’Barr, Jean (eds.) *Africa and the Disciplines: The Contributions of Research in Africa to the Social Sciences and Humanities*. Chicago: University of Chicago Press, 1993, p. xii.

all) South Sudan fits into the typified trajectory of African post-colonial nation-statehood is second-hand. Given the difficulties of access to many parts of the country, the substantial costs involved in conducting research in South Sudan, the solitary nature of this research project and the unfortunately well-founded danger of a resumption of violence, sources other than my own had to be consulted. However, in addition to academic sources, chapters 6 and 7 on the South Sudanese state and nation rely to a substantial degree on grey literature of varying reliability and credibility. Including these sources enriched the analysis so substantially as to, in my estimation, easily cancel out the sometimes problematic provenance. The general method used to work with these sources is a critical form of document analysis that seeks to question the author's intentions and motives²⁶.

A very useful tool to get information about more remote parts of South Sudan (where this was necessary for a fuller, more representative picture of the point I am making) are publicly available NGO reports about specific issues they care about (water supply, state of prisons, child marriage, youth development and several more) and/or specific regions, counties and even villages they operate in (e.g. Eastern Equatoria, Ikotos County or Aweil). A closely related type of document are reports by (national) development agencies such as USAID (U.S. Agency for International Development), GIZ (Gesellschaft für internationale Zusammenarbeit) or DFID (Department for International Development). Furthermore, there are assessments by topical think tanks/research institutes with or without affiliation to national governments (Overseas Development Institute, Carter Center, Small Arms Survey, Rift Valley Institute, Sudd Institute, Peace Research Institute Oslo). Yet, there are various downsides to relying on such documents.

For one, the very fact that they shine a light on a poorly illuminated issue or location makes it very hard if not impossible to corroborate their findings since oftentimes they are the only ones operating in a given county – part of the division of South Sudan into de facto 'spheres of influence' for different NGOs and service providers. Secondly, since many of the NGOs reporting on an issue or on a location are at the same time *working* on the issue or in the area, a conflict of interest may arise that can tinge or have some form of impact on the analysis. This is particularly true for aid organizations, both government-affiliated and NGOs, which compete in a lucrative and increasingly competitive market for donor funding. Even though monitoring and evaluation reports are nowadays often conducted by external consultants and auditors, the fact remains that collusion between an organization and an evaluator eager for a follow-up contract is a very real possibility. Therefore, one way of ascertaining the veracity or, more accurately, the probability that a given source represents a close enough approximation of a situation, a problem, an event, was for me to look at the organisation's overall aims and objectives in relation to South Sudan. A second path was to compare findings with other studies (where possible), though there is also the risk that these studies partly copy from one another. It would have been extremely cumbersome to highlight these considerations every time a source of similar provenance is being referenced in the text but it played a key role in the process of selecting those sources that were deemed reliable *enough*.

To illustrate how exactly working with the sources proceeded, I will make the process explicit by giving an example. There is a great paucity of public opinion surveys in South Sudan and much of the data has been gathered by two sources: the National Democratic Institute (NDI) and the International Republican Institute (IRI), both affiliated with either of the two major political parties in

²⁶ Wolff, Stephan, "Dokumenten- und Aktenanalyse", in Flick, Uwe; von Kardorff, Ernst and Steinke, Ines (eds.) *Qualitative Forschung: Ein Handbuch*. Reinbek: Rowohlt, 2010 (8th edition), pp. 502-513.

the U.S. Seeing how the U.S. has taken a keen interest and invested substantial resources as well as political capital into autonomous and later independent South Sudan, it is not unreasonable to surmise some level of influence at least on the organisations' research focus. Thus, for instance the phrasing of questions on and answers to the role of democratic values among South Sudanese citizens align a bit too neatly with IRI's professed aim of fostering these very values in society. Impossible to verify or falsify, one way I have dealt with the inevitable grey area is by looking at other results that were less germane to my area of interest but that *could*, to some extent at least, be cross-checked with other sources. In the case of this particular IRI survey²⁷, the fact that 94% of respondents claimed to be Christians was so clearly inconsistent with several other sources on denominational belonging in the country, that along with doubts about the phrasing of questions I have decided not to use the study throughout my thesis.

The same if not a higher degree of caution has been directed at material published by ministries, committees, agencies, or other institutions affiliated with the Government of South Sudan (GoSS); for instance the report on the planning for the second phase of disarmament, demobilization and reintegration for the period from 2013 onwards²⁸. Due to the capacity deficit among members of the administration and the lucrative nature of such endeavours, the majority of these reports have been compiled and written by independent consultants, oftentimes non-South Sudanese. While it would be inadmissible to doubt the veracity or accuracy of these documents merely based on the fact that they have been written by (foreign) consultants, I do take the external nature of the expertise to be indicative of the lack of import and impact many of these reports, statements and even laws have had on political decisions and events on the ground, which is why in particular expressions of intent in the documents have been treated with great caution. In some cases, where this appeared to be both common knowledge and of relevance to my argument, the provenance of a document as well as its author have been made explicit, e.g. the fact that the Local Government Act has been written by an employee of the German GIZ.

Contributions by South Sudanese media outlets (mostly online media for lack of access to paper versions with the exception of my stay in South Sudan) have been relied upon both for factual references (when did Minister A resign for reason Y) and for commentary and opinion pieces. The difficulties of dealing with (online) media sources in South Sudan are plentiful²⁹. For one, South Sudan's population has arguably the highest rate of illiteracy worldwide, which obviously limits the potential readership. Secondly, radio is by far the most popular news medium as internet access is something reserved to a small minority in the cities³⁰, which is why I have also consulted written sources on the websites of popular radio stations like the UN-sponsored Radio Miraya or Radio Tamazuj which receives assistance from the Netherlands.

²⁷ International Republican Institute. *Survey of Public Opinion: South Sudan's Greater Equatoria Region*. 21 May to 15 June, 2012, p. 63.

²⁸ Jiji, Beauty. *Report on the South Sudan Livelihoods and Economic Opportunities Mapping*. Republic of South Sudan Disarmament, Demobilization and Reintegration Commission and UNDP, South Sudan, March 2012.

²⁹ Frahm, Ole, "Defining the Nation: National Identity in South Sudanese Media Discourse", *Africa Spectrum*, Vol. 47, No. 1, 2012, pp. 21-49.

³⁰ The quick spread of mobile phones throughout the country may help to change this situation quicker than anticipated as mobile internet use becomes more common. Anecdotal evidence only tells us that much but a friend of mine received and downloaded a rather large file I emailed to him on his mobile phone while he was in a remote part of Western Bahr al-Ghazal.

But even the physical daily newspapers produced in South Sudan (The Citizen, Juba Post) only reach a very small section of society, with the bulk being distributed in Juba and the other towns receiving a few hundred copies total. Whereas the online media based abroad (e.g. Sudan Tribune, operating from Paris) are relatively free from harassment, the freedom of the press inside the country has come more and more under attack during and especially after the CPA period. The low-point was certainly the murder of Isaiah Abraham, commentator on various websites, in December 2012. Intimidation is, however, commonplace as frequently documented by among others the Committee to Protect Journalists (CPJ). As a result, as several members of the media I spoke to confirmed, journalists tend to practice self-censorship to avoid harassment by security organs and refrain from reporting on topics ranging from the president and his family to corruption and security sector reform.

Finally, arguably the greatest difference in terms of methodological approach between the typology of the African postcolonial nation-state and the analysis of South Sudan along the lines of the typology is that in October 2013, I spent about four weeks in Juba embedded as a research fellow at the Sudd Institute to conduct about 30 interviews with various members of the government, the SPLM, civil society, NGOs, international institutions, foreign diplomats and the media. While I had gotten in touch with some interviewees before travelling to South Sudan, the majority of the contacts were arranged with the help of the Sudd Institute and by snow-balling – interviewees recommended other people that I could speak to. These interviews (with some exceptions) followed the guidelines of semi-standardized problem-centred interviews³¹, i.e. I initially asked a fairly general question to get my interview partner to talk and then asked more detailed follow-up questions on matters that a) he or she did not mention or b) that came up during his or her initial response and that I wanted to know about in more detail. I generally did *not* intervene when the responses did not directly address my questions because I considered it more important to learn about what he or she understood as the essence of the issue at hand.

The interviews were not recorded because I knew from previous experience working at a political think tank and from advice from other researchers that had worked in South Sudan and other African countries that placing a recording device on the table strongly inhibits the interviewee from divulging more sensitive information. Instead of a tape recorder, I took notes during the conversations and each evening went through my notes and wrote down a summary of the interview along with additional observations, e.g. whether a certain comment seemed forced or prompted by the fact that I am a European researcher asking this question. Although it would understandably be of interest to the readers to know the identity of each interviewee, I have decided to maintain their anonymity. In the tense political climate of South Sudan, being identified with opinions severely critical of the government or of certain individuals may have strongly negative repercussions which, in my mind, suffices as an explanation for withholding the names and exact titles of my interlocutors.

1.4. Structure of the thesis

What I will set out to do in the coming seven chapters in order to establish and answer the research questions as best I can, is to approach the issue from the general to the specific and back to the

³¹ Hopf, Christel, "Qualitative Interviews in der Sozialforschung. Ein Überblick", in Flick, Uwe; von Kardorff, Ernst; Keupp, Heiner; von Rosenstiel, Lutz and Wolff, Stephan (eds.) *Handbuch Qualitative Sozialforschung: Grundlagen, Konzepte, Methoden und Anwendungen. 2nd edition*. Weinheim: Beltz Psychologie Verlags Union, 1995, pp. 177-182.

general. To be more precise, the thesis will move from a historical-theoretical overview of state and nation in the European context to the typology of the African nation-state and then depict South Sudan through the prism of this typology before drawing conclusions for South Sudanese statebuilding and nationbuilding, the typology of the African nation-state and the study of state and nation more generally.

Thus, I will start out in Chapter 2 with an overview of European concepts of the state, nation and nation-state that concentrates both on the historical evolution of the state and on descriptive as well as prescriptive theories of what the state is and ought to be like. The purpose of this chapter is to introduce, define and problematise the key concepts of state, nation and territorial nation-state but also to set out the arguments for why a separate typology of the postcolonial African nation-state is useful in addition and as a contrast to the European model.

Chapter 3 picks up on the latter point by drawing a rough, mostly chronological historical sketch of postcolonial African nation-states that aims to show the conditions that steered African countries to the peculiar forms of state and nation that exist today. In looking at the arbitrarily drawn borders, systemic continuities from colonial times and ethnically heterogeneous populations, this chapter both establishes the necessity for a distinct continental typology and highlights the relevance of the territorial nation-state as the dominant aspirational model of rule in postcolonial Africa.

Based on some of the premises developed in these two chapters, Chapter 4 presents the typology of the African territorial nation-state. Although state and nation are intricately linked, the two can be analytically disentangled which is why Chapter 4.1 discerns four constituent components of the typified African state whereas Chapter 4.2 depicts three components of the typified African nation. For the African state, these components are the hybrid quasi state, the illegitimate state, the privatized neopatrimonial state and the swollen centralized state. The typology of the African nation consists of state-driven nationbuilding in the postcolony, the resurgence of political ethnicity and the new exclusive nationalism. While establishing the categories for the analysis of the specific case of South Sudanese statebuilding and nationbuilding, 4.3 also contrasts the typology to the model of the European nation-state and by pointing out the similarities and differences gives backing to the decision to draft a typology of the African nation-state in the first place.

Chapter 5 shifts the focus towards South Sudan and gives a brief overview over South Sudan's political and social history which for most of the last two centuries was intimately tied up with the history of Sudan. The focus herein lies on providing some basic relevant data on the country as well as a grasp of the precolonial, colonial and post-colonial period leading up to the Comprehensive Peace Agreement (CPA) in 2005 that the reader can return to since the events of the subsequent period of autonomy and independence until mid-2014 will be the subject of the application of the typology to South Sudan.

In Chapter 6, South Sudan's experience in building a state is analyzed and evaluated following the four categories of African statehood established in Chapter 4.1, i.e. identifying based on information and analysis relevant to each sub-category whether and to what extent South Sudan is a hybrid quasi state, an illegitimate state, a privatized neopatrimonial state and a swollen centralized state and thus in how far South Sudan complies with or diverges from the typified African state. At the end of the chapter, a final section will attempt a broader comparison of South Sudanese and African statehood.

Chapter 7 pursues the same objective in describing nationbuilding in South Sudan in the framework of the typology of the African postcolonial nation from Chapter 4.2 and establishing to what extent if at all South Sudan's official state nationalism, political ethnicity and politics of exclusion coincide with the typology of the African nation. This will be bookended by a general comparison between nationalism and nationbuilding in South Sudan and in the typified nation of postcolonial Africa.

The concluding Chapter 8 will recapitulate the main findings from the comparison of African to European nation-states and from the comparison of South Sudan's very recent record in statebuilding and nationbuilding with the typology of the postcolonial African nation-state. Thus I plan to show that South Sudan as a latecomer to independence follows the typological development in many areas yet deviates in terms of nationbuilding as the country is home to processes that are running parallel to each other rather than sequentially as in the typified African nation-state. Beyond that, possible addenda to the typology that South Sudan's anomalous case may require will be discussed as well as an outlook given on the possible future trajectory of South Sudan as an aspiring nation-state.

2. State, nation and nation-state in European thought and history

Approaching the newly independent state of South Sudan from the vantage point of its peers in postcolonial Africa cannot do without some of the core categories of state, nation and nation-state. These categories are essential for the understanding of the contemporary state of affairs in African countries because they are without exception organized in states that aspire to be nation-states. As the nation-state has evolved into the dominant paradigm and most sought after form of political territorial organization, this chapter sets out to highlight some key perspectives on its components – the state and the nation – as well as the composite whole. This is of great importance for the development of a satisfactory understanding of governance and political authority in Africa because it is the territorial nation-state as an ideal-typical concept that will be operationalised in the development of a typology of the African nation-state of the postcolonial era.

Hence, the following three sections will seek to roughly define the concepts state (2.1), nation (2.2) and nation-state (2.3) based on the characteristics of the state, nation and nation-state in Europe where the nation-state first occurred and was first observed and described. Secondly, apart from the descriptive approach to what state, nation and nation-state *are* like, several perspectives on what the state, nation and nation-state *ought to be* like will be broached because these normative ideal-types of state, nation and nation-state constitute, generally speaking, a blueprint for the aspiring African nation-states of the postcolonial era.

2.1. The state

In each language, the connotations of the word ‘state’ differ substantially but even when we stick to English there is no universally accepted definition of the state. The state being “the formula for the self-description of society’s political system”³², concepts and definitions of the state tend to reveal not only something about the phenomenological reality of the state as it exists but also about how it is meant to be and function. Different people have understood very different things under the label ‘state’ depending on their times, language, ideological leanings etc. At the same time, we should be alert to the possibility that identical concepts of the state may be clothed in different vocabulary.

The *Oxford English Dictionary* defines the state as follows: “the body politic as organized for supreme civil rule and government; the political organization which is the basis of civil government (either generally and abstractly, or in a particular country); hence, the supreme civil power and government vested in a country or nation”; or: “A body of people occupying a defined territory and organized under a sovereign government”³³. According to the German *Handwörterbuch Philosophie*, the state is “a body politic which possesses the monopoly on the legitimate use of physical violence in its territory and which helps to impose an order enabling cooperation among citizens”³⁴; a definition that owes much to the German sociologist Max Weber who, at the start of 20th century, defined the state as “a human community that (successfully) claims the monopoly of the legitimate use of

³² Luhmann, Niklas, “Staat und Politik. Zur Semantik der Selbstbeschreibung politischer Systeme”, *Politische Vierteljahresschrift*, Sonderheft 15, 1984, pp. 99-125, p. 102.

³³ *The Oxford English Dictionary*. Oxford et al.: Oxford University Press, 2012, available at: <http://www.oed.com/view/Entry/189241?rskey=bFUDmm&result=1&isAdvanced=false#eid> (accessed: 25 May 2012).

³⁴ Schulz, Martin, “Staat”, in Rehfus, Wulff D. (ed.) *Handwörterbuch Philosophie*. Göttingen: Vandenhoeck & Ruprecht, 2003, pp. 626-627, p. 626 [my translation].

physical force within a given territory"³⁵. Yet, as Weber himself recognized, this definition is far from universally accepted:

Wenn wir fragen, was in der empirischen Wirklichkeit dem Gedanken ‚Staat‘ entspricht, so finden wir eine Unendlichkeit diffuser und diskreter menschlicher Handlungen und Duldungen, faktischer und rechtlich geordneter Beziehungen, teils einmaligen, teils regelmäßig wiederkehrenden Charakters, zusammengehalten durch eine Idee, den Glauben an tatsächlich geltende oder gelten sollende Normen und Herrschaftsverhältnisse von Menschen über Menschen.³⁶

Hence, cognizant of this multitude of human relations and actions and forms of rule of human beings over other members of the same species, it is mandatory to take a look at the historical genesis of the state as well as at the historical genesis of *thinking about* the state. Theories of the state can be said to reach all the way back to ancient times and Greek city-states. In *Republic*, Plato develops the idea that societies are comprised of individuals that purposefully join together for mutual benefit. Yet, for this society to function, it requires guardians (Plato sees philosophers as best suited for the job) that take decisions for the whole and thus constitute the city-state³⁷. Aristotle for whom the state was naturally prior to the individual likewise saw the city-state both as a creation of human intelligence and a natural emanation of more primitive forms of human interaction³⁸.

A more restrictive conception of the state, however, refutes the claim that the state is a timeless political entity that has existed (in admittedly changing form) from the ancients to the present and maintains that the state instead ought to be seen as the “historical response to a timeless question”³⁹. Thus, Carl Schmitt argues that the state is a concept that is tied to a specific set of historical circumstances⁴⁰, the age of modern stateness beginning sometime in the second half of the 16th century as an unintended outcome of the religious civil wars that had shattered the unifying power of universal Christianity⁴¹ and led to the predominance of the concept of sovereignty as formulated in Jean Bodin’s *Les six livres de la république*: a republic’s absolute and eternal power,

³⁵ Weber, Max, “Politics as Vocation”, in Gerth, H.H. and Mills, C. Wright (eds.) *From Max Weber: Essays in Sociology*. New York: Oxford University Press, 1946 [1918], pp. 77-128, p. 78.

³⁶ Weber, Max. *Die “Objektivität” sozialwissenschaftlicher und sozialpolitischer Erkenntnis*. Schutterwald: Wissenschaftlicher Verlag, 1995 [1904], p. 83.

³⁷ Plato. *Republic: 1 - 2.368c4*. With introduction, translation and commentary by Chris Emlyn-Jones. Oxford: Aris & Phillips, 2007.

³⁸ Aristotle. *Politics. Books I and II*. Translated with a commentary by Trevor J. Saunders. Oxford: Clarendon, 1995.

³⁹ Krüger, Herbert. *Allgemeine Staatslehre*. Stuttgart: Kohlhammer, 1964, p. 1, cited in Münkler, Herfried, “Staat”, in Ritter, Joachim and Gründer, Karlfried (eds.) *Historisches Wörterbuch der Philosophie. Band 10*. Basel: Schwabe Verlag, 1999, pp. 2-30, p. 30 [my translation].

⁴⁰ Schmitt, Carl, “Staat als ein konkreter, an eine geschichtliche Epoche gebundener Begriff”, in Schmitt, Carl. *Verfassungsrechtliche Aufsätze aus den Jahren 1924 - 1954: Materialien zu einer Verfassungslehre*. Berlin: Duncker & Humblot, 1958, pp. 376-385.

⁴¹ Ibid, p. 379; Walther actually claims that the concept of royal sovereignty embedded in the phrase *rex superiorem in temporalibus non recognoscens est imperator in regno suo*, hence the idea that the monarch does not recognize any superior in worldly matters, goes back to the early 13th century and was a response to papal claims (Pope Innocent III.) to supremacy over all worldly princes. Walther, Helmut G., “Die Gegner Ockhams”, in Göhler, Gerhard; Lenk, Kurt; Münkler, Herfried and Walther, Manfred (eds.) *Politische Institutionen im gesellschaftlichen Umbruch: ideengeschichtliche Beiträge zur Theorie politischer Institutionen*. Opladen: Westdeutscher Verlag, 1990, pp. 113-139, p. 123.

accountable not to the church but only to God⁴². Not coincidentally, Bodin's fatherland France was the first embodiment of this new type of sovereign state.

At the same time, the medieval hierarchy headed by pope and emperor was replaced by a state system of territorially-based equals. The evolution of the *territorial* state through the course of the 15th and 17th centuries as the dominant form of political authority transformed territory into the foremost locus of security and protection – and thus placed the territorial state on an antagonistic collision course with non-territorial political actors (orders of knights, merchant guilds) with competing alternative loyalties and systems of finance⁴³. This territorialisation of political authority, which arguably constitutes an anomaly and exception among global forms of political authority⁴⁴, also shaped the current system of states. This system, in political science generally called the Westphalian state system⁴⁵, is an international order in which states are the only legitimate and recognized actors endowed with sovereignty within a given territory, i.e. the state's internal affairs are outside of the realm of interference of other actors (e.g. other states, organized religion). As the system lacks both a centre and a superior authority, equilibrium is established either by congresses or as the result of warfare⁴⁶.

Characteristic for the *modern* state as it evolved in Europe in the 17th and in particular in the 18th century was moreover that, in contrast to classical times, bourgeois civil society was no longer coterminous with the political dominion but stood in juxtaposition to the centralized territorial state⁴⁷. Since religion had lost its role as the anchor of social stability, the task of reintegrating society was taken up by the state's rule of law, with lawyers and jurists replacing priests as key agents of political legitimisation⁴⁸. A key driver of further integration was moreover the regularization of standing armies which required higher levels of taxation and therefore a tighter grip over the governed⁴⁹. This conception of the state as a "system of institutionalized competencies apart from society and outside of society's scope of influence"⁵⁰ is therefore closely linked to the rise of a class

⁴² Bodin, Jean. *Les six livres de la République*. Paris: Librairie Générale Française, 1993.

⁴³ Münkler, Herfried, "Die Territorialisierung des Politischen. Der institutionelle Flächenstaat und seine sozialmoralische Infrastruktur", in Liessmann, Konrad Paul (ed.) *Wie viel Herrschaft braucht der Mensch?*. Wien: Zsolnay, 2011, pp. 50-68, p. 50.

⁴⁴ Maier, Charles S., "'Being there': place, territory, and identity", in Benhabib, Seyla; Shapiro, Ian and Petranović, Danilo (eds.) *Identities, Affiliations, and Allegiances*. Cambridge: Cambridge University Press, 2007, pp. 67-84, p. 77.

⁴⁵ While the classical starting point are the 1648 peace treaties that ended the Thirty Years War and were signed in the Westphalian towns of Münster and Osnabrück (hence the name), the Westphalian state system could also be set to start with the peace of Utrecht in 1713, but was certainly established by 1760 at the latest. Osterhammel, Jürgen. *Die Verwandlung der Welt: eine Geschichte des 19. Jahrhunderts*. München: Beck, 2009, pp. 570-71.

⁴⁶ Münkler (2011), p. 63.

⁴⁷ Göhler, Gerhard, "Die Herausbildung der modernen bürgerlichen Gesellschaft. Einführung", in Göhler, Gerhard; Lenk, Kurt; Münkler, Herfried and Walther, Manfred (eds.) *Politische Institutionen im gesellschaftlichen Umbruch: ideengeschichtliche Beiträge zur Theorie politischer Institutionen*. Opladen: Westdeutscher Verlag, 1990, pp. 237-245, p. 238.

⁴⁸ Münkler (2011), p. 56.

⁴⁹ Tilly, Charles, "Reflections on the History of European State-Making", in Tilly, Charles and Ardant, Gabriel (eds.) *The formation of national states in Western Europe*. Princeton, NJ: Princeton University Press, 1975, pp. 3-83, p. 73.

⁵⁰ Münkler (2011), p. 57 [my translation]; in the original: "Die klassische Vorstellung des Staates beruht auf einem System institutionalisierter Kompetenzen, die von der Gesellschaft apart und für ihren Einfluss unzugänglich sind".

of state-employees, whose loyalty, in contrast to feudal relations, was based on an impersonal salary, and who developed their own distinct neostoicist ethos of working for the betterment of the state⁵¹. The essence of the state in its European context is therefore captured in Herfried Münkler's claim that "[s]tateness in the modern European sense is based on *sovereignty, territoriality, and loyalty*"⁵².

Alongside these essentially descriptive explanations for the emergence and form of the state as it existed and exists today, normative and prescriptive theories of what the state ought to be like have multiplied since the state achieved hegemony as the preferred model of political organization. There is great variety amongst those modern (17th century onwards) thinkers that developed theories of the state as it was and as it ought to be. However, a rough divide can be said to exist between theories that regard the state as a safeguard, an institution that protects mankind from each other, and those that see the state as a joint undertaking of human beings to improve everyone's lot.

According to the first notion, espoused among others by Thomas Hobbes, a key rationale for a strong state was the necessity to protect citizens from the violence and lawlessness of the anarchical state of nature, which would prevail in the absence of a strong state⁵³. Immanuel Kant, though equally in favour of a state charged with the enforcement of laws, based his arguments on a philosophical premise diametrically opposed to Hobbes'. If we accept his contention that the basis of society ought to be the freedom of the individual to pursue his or her happiness as long he or she does not in so doing impair another's freedom to do likewise, the state's essential role is to safeguard this freedom of all individuals based on universally applicable laws⁵⁴.

On the other end of the spectrum are theories of the state that are based on a social contract. John Locke's concept of the state, for instance, is that men and women in the state of nature explicitly consent to form a body politic under one government in order to safeguard their life, wealth and well-being. Given the voluntary nature of the contract, citizens of such a state also have the right to cancel the contract and depose the government⁵⁵, which makes Locke's idea of the state the classical formulation of the liberal parliamentary state based on the rule of law⁵⁶. Rousseau, for his part, argues in *The Social Contract* (1762) that men come together to exert the 'general will' (as opposed to the 'will of all') to the benefit of all, and this "passage from the state of nature to the civil state produces a very remarkable change in man, by substituting justice for instinct in his conduct"⁵⁷.

What this very cursory overview of some historical concepts of the modern state is meant to show is that the two sides of the state's utility in providing for what Isaiah Berlin called 'negative freedom' from interference and violence and 'positive freedom' to attain a common goal of whatever shape

⁵¹ *ibid*, p. 59.

⁵² *ibid*, p. 52 [my translation], in the original: "Staatlichkeit im europäisch-neuzeitlichen Sinn gründete sich auf *Souveränität, Territorialität und Loyalität*".

⁵³ Hobbes, Thomas (edited by Richard Tuck). *Leviathan*. Cambridge: Cambridge University Press, 1999 [1651].

⁵⁴ Kant, Immanuel, "Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis: II. Vom Verhältnis der Theorie zur Praxis im Staatsrecht", in Kant, Immanuel. *Werke in zwölf Bänden. Band 11*. Frankfurt am Main: Suhrkamp, 1977, pp. 143-165.

⁵⁵ Locke, John. *Two treatises on government*. Hamilton: McMaster University, 2000 [1689].

⁵⁶ Weinacht, Paul-Ludwig, "Staat", in Kolmer, Petra and Wildfeuer, Armin G. (eds.) *Neues Handbuch philosophischer Grundbegriffe. Band 3*. Freiburg: Karl Alber, 2011, pp. 2090-2108, p. 2095.

⁵⁷ Rousseau, Jean Jacques. *The Social Contract and Discourses*. Translated by G. D. H. Cole. New York/London: E.P. Dutton and Co./J.M. Dent and Sons, 1950 [1762], p. 18.

and form⁵⁸, that these two sides can be combined in varying degrees to create, for instance, either a police state or a communitarian state. It is, however, of critical importance for the contrasting analysis of the African state that in the case of contemporary (Western) Europe, the *telos* of this form of statebuilding has been the *liberal welfare state*.

All things considered then, Weber's concise definition is, in my mind, a particularly good and suitable starting point for an analysis of the African state (even if only as a contrasting paradigm to realities on the ground) because it encapsulates the notion of the state that came to dominate first European international relations and eventually the entirety of international society: "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory"⁵⁹. Yet, this minimal definition is merely the starting point for further faculties a state might and ought and can possess as evidenced by the very small sample of positive theories of the state outline above. Shifting from analysis to metaphor, the modern European state in its rawest form could be conceived as a skeleton (territory/borders, sovereignty, army, basic state institutions) that little by little adds meat to the bones (democratic values, impartial judiciary, incorruptible office-holders, universal health care) – though the meat's shape, colour and consistency may vary depending on the function the state is meant to perform (security, liberty, social rights, etc.) – so as to morph into a genuinely and fully-clothed modern state of a higher order.

It is this notion of the democratic, accountable, institutionalized, territorially extended and widely present state that protects its citizens from external and internal sources of violence and delivers services as varied as education and unemployment benefits to citizens that have a say in the state's working – it is this state that is seen and taken as the implicit and sometimes also the explicit measuring stick and ultimate destiny of statebuilding in the developing world, in particular on the African continent.

2.2. The nation

A seemingly inconspicuous definition of 'nation' is that it is a "community of commonality" whose special feature, which sets it apart from other communities, "is in the emotional investment that it can extract from its members and in the solidarity it can inspire"⁶⁰. For a community to have such an emotive effect on its members it requires both objective facets of commonality like a shared language, history, (high) culture or territory and a subjective consciousness of these objective factors by the collective that constitutes the nation⁶¹. What sets a thus-defined community apart from other emotionally charged communities (like families, corporations, football teams) is the specific way we talk and debate about the community, the 'discursive formation' essential to the recognition of the nation by both members and outsiders⁶² in a manner akin to Wittgenstein's notion of 'family resemblance'.

A fundamental divide among theories of nationalism opens up about the question of whether nations have existed for time immemorial or whether they are more recent constructions by political

⁵⁸ Berlin, Isaiah, "Two Concepts of Liberty", in Berlin, Isaiah. *Four Essays on Liberty*. London: Oxford University Press, 1969, pp. 118-172.

⁵⁹ Weber, Max (1946), p. 78.

⁶⁰ Harris, Erika. *Nationalism: Theories and Cases*. Edinburgh: Edinburgh University Press, 2009, p. 6.

⁶¹ Hroch, Miroslav, "From National Movement to the Fully-Formed Nation", *New Left Review*, No. 198, 1993, pp. 3-20, p. 4.

⁶² Calhoun, Craig. *Nationalism*. Buckingham: Open University Press, 1997, pp. 3-5.

and intellectual elites – a dichotomy Anthony Smith characterized as perennialist versus modernist conceptions⁶³. Thus, Ernest Renan, who according to the distinction would fall in the perennialist camp (which others like David Brown call ‘primordialist’⁶⁴), described the nation as a soul and a spiritual principle which formed a link between a glorious past and future: “To have common glories in the past, a common will in the present; to have accomplished great things together, to wish to do so again, that is the essential condition for being a nation”⁶⁵.

Hence, the argument goes that “[w]herever a process of civilisation has developed, complex communities have evolved which believe in a common culture, origin and territory and claim self-determination”⁶⁶. Arthur Hastings likewise contends that nations, which arise out of ethnic groups when these develop a literary language, have existed as a category for much longer than modernists allow; in the case of England since about the 12th and 13th century⁶⁷. Others, while agreeing with the contention that the nation is a creature of modernity, argue that nations are nonetheless rooted in antiquity in so far as they emerge from older ethnic ties, so-called pre-modern *ethnie*⁶⁸. According to the (dominant) modernist conception on the other hand, nations are a fairly recent phenomenon, originating in Western Europe sometime in the 17th and 18th century (France, Great Britain) but only blossoming into a vibrant concept in the course of the 19th century before becoming the dominant model of political organization of territories in the 20th century and the near-exclusive ideal in the post-imperial post-Cold War world of the 21st century.

An essential component of the nation’s creation is what Eric Hobsbawm in his eponymous work calls *The Invention of Tradition*. Nations, although novel occurrences in the concert of political concepts, portend to continuity with a select and typically glorified past (à la Renan) and “invented traditions [...] use history as a legitimator of action and cement of group cohesion”⁶⁹. Nations, in Homi Bhabha’s elegant phrasing “like narratives, lose their origins in the myths of time and only fully realize their horizons in the mind’s eye”⁷⁰. Implicit in the idea of invention is that the idea of the nation is at its inception an elite concept and therefore nationalism initially equally an elite project – as, for instance, the rediscovery of the Italian nation by humanist writers from Dante and Petrarca to Machiavelli⁷¹ or Johann Gottfried Herder’s writings that stirred nationalism in late 18th century Germany⁷².

⁶³ Smith, Anthony D. *Nationalism and modernism: a critical survey of recent theories of nations and nationalism*. London: Routledge, 1998, pp. 21-24.

⁶⁴ Brown, David. *Contemporary Nationalism: Civic, ethnocultural and multicultural politics*. London and New York: Routledge, 2000.

⁶⁵ Renan, Ernest, “Qu’est-ce qu’une nation?”, in Hutchinson, John and Smith, Anthony D. (eds.) *Nationalism*. Oxford: Oxford University Press, 1994, pp. 17-18, p. 17.

⁶⁶ Hirschi, Caspar. *The Origins of Nationalism: An Alternative History from Ancient Rome to Early Modern Germany*. New York: Cambridge University Press, 2012, p. 35.

⁶⁷ Özkırımlı, Umut. *Theories of Nationalism: A Critical Introduction*. 2nd edition. Basingstoke: Palgrave Macmillan, 2010, pp. 59-60.

⁶⁸ Smith, Anthony D. (1998), pp. 193-95.

⁶⁹ Hobsbawm, Eric J., “Introduction: Inventing Traditions” in Hobsbawm, Eric J. and Ranger, Terence (eds.) *The Invention of Tradition*. Cambridge: Cambridge University Press, 1983, pp. 1-14, p. 12.

⁷⁰ Bhabha, Homi, “Narrating the Nation”, in Hutchinson, John and Smith, Anthony D. (eds.) *Nationalism*. Oxford: Oxford University Press, 1994, pp. 306-312, p. 306.

⁷¹ Meyer, Kathrin and Münkler, Herfried, “Die Erfindung der italienischen Nation in den Schriften der Humanisten”, in Münkler, Herfried; Grünberger, Hans and Meyer, Kathrin (eds.) *Nationenbildung: Die*

It is anything but a coincidence that the aforementioned forefathers of European nationalism are poets as language and literature play prominent roles in European nation-building. Thus, Benedict Anderson traces the (positive) origins of the nation to the spread of a unitary language across originally multilingual territories⁷³. The main driving forces behind this process are said to be compulsory education, conscription and, in particular, (mass) print media that transmit the nationalist idea developed and propagated by prophets, leaders, parties etc. to the masses⁷⁴. These processes are essential for any one individual to project a sense of belonging to millions of people that he or she has never met and will most likely never meet in person – in other words, for him or her to imagine a national community⁷⁵.

On the other hand, there is a strong current of thought that sees the presence of a negative ‘other’ against which to define the group ‘self’ as a key component of nationalism and the nation – something Ernst Moritz Arndt during the Napoleonic wars termed *Volkshaß* or popular hatred⁷⁶. This basic idea that an external enemy increases cohesion internally goes back at least to Thucydides who observed the phenomenon among the Hellenic cities during the war against the Persians⁷⁷. However, although an external enemy or cultural disparagement from without “may be a necessary condition for the birth of nationalism, it is not a sufficient one”⁷⁸.

Hence, the nation as it came to be conceived in Europe is an imagined community whose imagined commonality is based on a common past and common future, regardless of whether or not this past actually existed. Strengthening this bond of the national community is the juxtaposition of enemy ‘others’ that serve as unifying glue in a common struggle. What matters greatly with regard to postcolonial African nations and nationalisms is that it generally took centuries for European nations to achieve widespread popular cohesion and approval. And, as the subsequent section on the nation-state will emphasize, a functioning modern state and means of mass communication were vital in the success of the national idea.

2.3. The territorial nation-state

The territorial nation-state is a specific form of the state that arose, in world historical terms, very recently but has since become a uniquely successful model of political organization across the globe. Thus, the last two centuries of European history are characterized by

Nationalisierung Europas im Diskurs humanistischer Intellektueller. Italien und Deutschland. Berlin: Akademie Verlag, 1998, pp. 75-162.

⁷² Berlin, Isaiah, “Der gekrümmte Zweig: Über den Aufstieg des Nationalismus”, in Jeismann, Michael (ed.) *Grenzfälle: Über neuen und alten Nationalismus*. Leipzig: Reclam, 1993, pp. 146-174, p. 153.

⁷³ Anderson, Benedict. *Imagined communities: reflections on the origin and spread of nationalism*. London: Verso, 1983.

⁷⁴ Deutsch, Karl W., “Nation und Welt”, in Winkler, Heinrich August (ed.) *Nationalismus*. Königstein: Verlagsgruppe Athenäum, Hain, Scriptor, Hanstein, 1978, pp. 49-66, p. 52.

⁷⁵ Anderson (1983).

⁷⁶ Arndt, Ernst Moritz, “Über Volkshaß”, in Jeismann, Michael (ed.) *Grenzfälle: Über neuen und alten Nationalismus*. Leipzig: Reclam, 1993, pp. 319-334.

⁷⁷ Jansson, Per, “Identity-defining Practices in Thucydides’: History of the Peloponnesian War”, *European Journal of International Relations*, Vol. 3, No. 2, 1997, pp. 147-165.

⁷⁸ Berlin, Isaiah, “Nationalism: Past Neglect and Present Power”, in Berlin, Isaiah. *Against the Current: Essays in the History of Ideas*. Princeton, NJ: Princeton University Press, 2001, pp. 333-355, p. 346.

the almost universal reordering of political space from a confusing welter of empires, kingdoms, city-states, protectorates and colonies into a system of nation-states, all of which have embarked on 'nation-building' policies aimed at the diffusion of a common national identity, culture, and language.⁷⁹

It is an uncontested historical fact that the nation-state as a concept arose in Europe; and it was here that the territorial nation-state developed into the most influential political concept with a highly emotive capacity to stir its members into action. Johann Gottfried Herder, writing in 1784, is arguably the first to explicitly call for the unity of the state and a people endowed with a single national character while decrying the "unnatural enlargement of states, the wild mixing of species of man and of nations under one sceptre"⁸⁰. The Italian lawyer and politician Mancini, on the other hand, is credited with being the first to argue (in 1851) that each nation should form *only one* state⁸¹.

The intricate relationship between nation and state (at least in the European context) is readily apparent in Ernest Gellner's concept of nationalism as "primarily a principle which holds that the political and national unit should be congruent"⁸². In accordance with this principle, nationalist political actors and movements strive to create a common body politic, voice and location for the national group⁸³. Territoriality is the decisive factor that serves to conjoin nation and state and is also the reason why a nationalist group is by necessity also a political group with a common goal⁸⁴. A core element of the nation-state is therefore its territoriality and – directly conjoined to territoriality – the centrality of borders to the state's ability to exert control over its citizens and to define their identity⁸⁵. The contrast to empires is captured very well by the aphorism that while empires possess (open, ill-defined) frontiers, nation-states possess (closed, demarcated) borders.

A useful distinction can, however, be made between nation and nation-state: while a nation in the true sense of the word is a homogenous entity, consisting of people that share language, culture, religion, the nation-state is hardly ever homogenous⁸⁶. Another critical question in this regard is which of the two – state or nation – has chronological and ontological primacy. While some thinkers like Connor argue for the primacy of the nation and national attachment because loyalty to the national group is both stronger and preceded loyalty the state⁸⁷, the majority subscribe, like Reinhard, to a top-down view of the relationship between state and nation⁸⁸. In Hobsbawm's words,

⁷⁹ Kymlicka, Will. *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship*. Oxford: Oxford University Press, 2001, p. 224.

⁸⁰ Herder, Johann Gottfried von. *Ideen zur Philosophie der Geschichte der Menschheit. Mit einer Einleitung von Heinrich Luden. Band 1*. 2nd edition. Leipzig: Johann Friedrich Hartknoch, 1821 [1784], p. 372 [my translation]. Elie Kedourie, for his part, traces the emergence of this idea of the nation-state to early 19th century post-Kantian German philosophers like Fichte and Schelling. Kedourie, Elie. *Nationalism. 4th expanded edition*. Oxford: Blackwell, 1993, p. 30.

⁸¹ Estel, Bernd. *Nation und nationale Identität. Versuch einer Rekonstruktion*. Wiesbaden: Westdeutscher Verlag, 2002, p. 61.

⁸² Gellner, Ernest. *Nations and nationalism*. Ithaca: Cornell University Press, 1983, p. 1.

⁸³ Walzer, Michael. *On Toleration*. New Haven: Yale University Press, 1997, p. 85.

⁸⁴ Miller, David. *On Nationality*. Oxford: Clarendon, 1995, p. 24.

⁸⁵ Sack, Robert David. *Human Territoriality: Its Theory and History*. New York: Cambridge University Press, 1986.

⁸⁶ Dahrendorf, Ralf, "Die Sache mit der Nation", in Jeismann, Michael (ed.) *Grenzfälle: Über neuen und alten Nationalismus*. Leipzig: Reclam, 1993, pp. 101-118, p. 108.

⁸⁷ Connor, Walker. *Ethnonationalism: the quest for understanding*. Princeton, NJ: Princeton University Press, 1994, p. 91.

⁸⁸ Reinhard, Wolfgang. *Geschichte der Staatsgewalt: eine vergleichende Verfassungsgeschichte Europas von den Anfängen bis zur Gegenwart*. München: Beck, 1999, p. 443.

“[n]ations do not make states and nationalisms but the other way round”⁸⁹. Whereas nationalism requires some pre-existing sense of national belonging to build upon, the process of nation-building is inherently political and carried out by the state and its elites (or counter-elites)⁹⁰.

Irrespective of these debates, what makes the nation-state such an attractive and promising political ideal is the fact that there is no comparable motivator for members of a commonwealth to cooperate and to sacrifice for the common good than a common national identity⁹¹. In an ideal-type scenario, the relationship between citizens and the state is shaped and conditioned by national sentiment and a feeling of allegiance to the whole⁹². Herfried Münkler believes that where state and nation “became aligned, a political order was created that in terms of social cohesion (solidarity) and political self-assertion to the outside was far superior to all other models of political authority”⁹³.

Even though the nation-state as an idealized concept arose in 19th century Europe and owes its global spread to European world dominance, it ironically took until decolonization in the mid-20th century and the demise of European imperialism for the model of the territorial nation-state to achieve nearly unrivalled primacy in actual world politics. And while some theorists, possibly borrowing their pathos from Fukuyama, have proclaimed the end of the nation-state in the near future⁹⁴, the continued salience of the territorial nation-state as a model of political organization across the world, including the African continent, appears just about as certain as the continuation of ideological disputes after *The End of History*⁹⁵. Democratization has raised the stakes for aspiring rulers across the globe and defining the national community in the territorially circumscribed states is an excellent avenue to power – to give but one reason for the vitality of the nation-state as a political model in the 21st century.

Moreover, the parameters of a state system are largely set by historical fait accompli and by the system’s strongest members. Crucially, it can be argued that the existence of nation-states cannot be fathomed or understood without the existence of a state *system* comprised of nation-states. “International relations are not connections set up between pre-established states, which could maintain their sovereign power without them: they are the basis upon which the nation state exists at all”⁹⁶. The reason why the whole of Africa (and, indeed, the world) is organized according to this principle is the European dominance over international affairs since roughly the mid-19th century⁹⁷. While stronger states like Meiji Japan were in a position to pick the model of a modern state it wanted to implement at home, “very few of the smaller countries in Asia and Africa possessed such a

⁸⁹ Hobsbawm, Eric J. *Nations and Nationalism since 1780. Programme, Myth, Reality. 2nd edition*. Cambridge: Cambridge University Press, 1992, p. 10.

⁹⁰ Guibernau, Montserrat. *Nationalisms: the nation-state and nationalism in the twentieth century*. Cambridge: Polity Press, 1996, p. 48.

⁹¹ Canovan, Margaret. *Nationhood and political theory*. Cheltenham: Elgar, 1996.

⁹² Aron, Raymond. *Peace and war: a theory of international relations*. Garden City, NY: Doubleday, 1966.

⁹³ Münkler, (2011), p. 52 [my translation]; in the original: “Wo beides miteinander zur Deckung kam, entstand eine politische Ordnung, die an sozialer Kohäsion (*Solidarität*) nach innen und politischer Selbstbehauptung nach außen allen anderen politischen Ordnungsmodellen weit überlegen war”.

⁹⁴ Guéhenno, Jean Marie. *The end of the nationstate. La fin de la démocratie*. Minneapolis: University of Minneapolis Press, 1995.

⁹⁵ Fukuyama, Francis, “The End of History?”, *The National Interest*, Vol. 16, Summer 1989, pp. 3-18.

⁹⁶ Giddens, Anthony. *A contemporary critique of historical materialism. 2. The nation-state and violence*. Basingstoke: Macmillan, 1985, pp. 263-264.

⁹⁷ Reinhard, Wolfgang, “Geschichte der Staatsgewalt und europäische Expansion”, in Reinhard, Wolfgang and Müller-Luckner, Elisabeth (eds.) *Verstaatlichung der Welt? Europäische Staatsmodelle und außereuropäische Machtprozesse*. München: Oldenbourg, 1999, pp. 317-356.

freedom of choice”⁹⁸. That is why for the analysis of postcolonial countries in Africa, I am going to apply and operationalise the concept of the nation-state.

As Schmitt wrote in the waning years of the Second World War, “[d]ie Maßstäbe, nach denen beurteilt wird, ob ein politisches Gebilde wirklich ‘Staat’ oder ‘staatsreif’ ist, sind eben aus der Normalvorstellung eines europäischen Staates abgeleitet”⁹⁹. Africa’s political history since the end of the Second World War shows that this claim is still largely accurate. Not only in the immediate aftermath of independence but throughout the 50-odd years of independence (for most countries), the European nation-state has been the guiding principle of African governing elites. And it continues to inform the ambitions of the continent’s state-builders and nation-builders both local and foreign to the present day. The following chapter is going to substantiate this argument along a focus on the main developments in African postcolonial history.

⁹⁸ Osterhammel (2009), p. 900 [my translation].

⁹⁹ Schmitt, Carl, “Die Lage der europäischen Rechtswissenschaft”, in Schmitt, Carl. *Verfassungsrechtliche Aufsätze aus den Jahren 1924 - 1954: Materialien zu einer Verfassungslehre*. Berlin: Duncker & Humblot, 1958, pp. 386-429, p. 390.

3. Overview over trends in Africa's political and social history

Comparing and contrasting the prototypical postcolonial African nation-state to the paradigm set out by its Western European paragon, it first has to be shown conclusively that African countries are sufficiently distinct in their internal makeup and structure so as to allow for a generalizing typology. Therefore, this chapter introduces several of the grand lines of historical development that have shaped the African continent and, so my argument, led to the particular pattern of statehood and nationhood that I will discuss and describe in the subsequent chapters on the African state and the African nation. Thence, after giving a cursory overview of Africa's modern history in 3.1, the subsequent sections in 3.2 are going to engage with the evolution and trajectory of the nation-state and how it took root in Africa as well as look at perspectives on the nation-state in Africa. Furthermore, some critical aspects of the territorial nation-state's acceptance – arbitrary frontiers, ethnically mixed populations, continuities in the form of governance – will be pointed out. This is meant to furnish both an initial grasp of the nature of the African postcolonial nation-state which will be dealt with in a more detailed manner in chapter 4. More importantly, though, this chapter serves to underline and support the contention that there is a peculiar type of African nation-state that can serve as a more useful comparison to statebuilding and nationbuilding efforts on the continent than the presently used standard derived from the Western prototype.

3.1. From colonialism to life in the postcolony

For a satisfactory grasp of contemporary African politics and in particular for an accurate understanding of African states and nations, it is in my opinion inevitable to take into account the thorough and often traumatic restructuring of realities that the colonial occupation and division of Africa wrought upon the continent's peoples, incumbent political structures and collective groupings. Similarly, the demise of colonialism and the transition to the countries that today occupy the world map has been of crucial importance to the shape and form of African nation-states. This section will accordingly begin in 3.1.1 with a part on the impact of colonization and decolonization and then in 3.1.2 present political and social organization in the postcolony at a glance.

3.1.1. Colonization and decolonization

The one element that unites the African continent beyond its geographical boundaries is the shared experience of colonization by European powers. Coastal trading posts were established in West Africa as early as the mid-15th century but the colonial period, the systematic colonization of Africa by European powers, began in earnest only around 1880¹⁰⁰, punctuated by the Berlin Conference of 1884/5 that legalized and regularized the contemporary scramble for African soil¹⁰¹ and put an end to the previous system of hands-off rule content with “ensuring the continuation of the traditional free-

¹⁰⁰ Wesseling writes about the starting point of imperial partition: “Various answers have been given by various historians, the years 1879, 1881, 1882 and 1884 all having their proponents. Whether the partition started a year earlier or a year later does not after all make a great deal of difference”. Wesseling, Hendrik L. *Divide and rule: the partition of Africa 1880 – 1914*. Westport, Conn.: Praeger, 1996, p. 361.

¹⁰¹ For a detailed account of the conference and its afterlife see Förster, Stig; Mommsen, Wolfgang J. and Robinson, Ronald. *Bismarck, Europe and Africa: The Berlin Africa Conference 1884-1885 and the Onset of Partition*. Oxford: Oxford University Press for the German Historical Institute, 1988.

trading system on its coasts and its great rivers”¹⁰². Explanations for the European conquest cover a wide range of points of views: a classic argument sees colonialism as the result of bourgeois capitalist competition in the search for new markets¹⁰³ and – in the case of Britain – in geostrategic considerations bent on protecting valuable possessions in East and South Asia¹⁰⁴; another line of thinking argues that the ultimate object was national aggrandizement in a less competitive setting than 19th century Europe¹⁰⁵ in order to divert the working classes’ aspirations from revolution at home to colonial conquest abroad¹⁰⁶. This is contrasted with a portrayal of European publics’ attitude toward the colonization of Africa as absentminded indifference¹⁰⁷, which is why some actually take the colonial adventure to have been an outright irrational undertaking¹⁰⁸.

This discussion of the origins of and motivations behind European imperialism in Africa belongs, however, to an intellectual enterprise whose focus of analysis is on the European state rather than on its African equivalent and I shall not engage with it any further. What *can* be said is that the European colonial empires in Africa, though substantial in physical area, do not compare favourably with other historical empires such as Rome or Spain when it comes to duration. After the treaties of the 1880s that partitioned Africa on paper, the partition on the ground using negotiations with local rulers and – increasingly – the technological superiority of machine guns, took place during the following decade (1891-1901)¹⁰⁹, which included the defeat of the Mahdist state and the re-conquest of the Sudan by the British led by General Kitchener in 1899. The subsequent period between 1900 and roughly the end of World War I when most of the initial resistance movements had been subdued has been characterized as the key moment in African colonial state-formation¹¹⁰.

Yet, just as soon as ‘effective occupation’ had begun to take hold, World War I intervened, seeing large numbers of colonial subjects take part in and experience the horrors of fighting and lastingly damaging the “familiar rationale of white rule in Africa [...] that it conferred the benefits of civilization”¹¹¹. These effects were multiplied during World War II, which “greatly increased the number of Africans who were politically conscious”¹¹² and was also the period that saw the rise of anti-colonial parties with a mass following especially in West Africa¹¹³. All colonial powers with the exception of the United Kingdom suffered the embarrassment of occupation (Britain’s East Asian

¹⁰² Brunschwig, Henri. *Le Partage de l’Afrique noire*. Paris: Flammarion, 1971, p. 51, quoted in Hargreaves, John D., “The Making of the Boundaries: Focus on West Africa”, in Asiwaju, A. I. (ed.) *Partitioned Africans*. London: Hurst, 1985, pp. 19-27, p. 20.

¹⁰³ Hobson, John Atkinson. *Imperialism: a Study*. New York: Cosimo, 2005 [1902], pp. 71-93.

¹⁰⁴ Robinson, Ronald and Gallagher, John. *Africa and the Victorians. The Climax of Imperialism in the Dark Continent*. London and New York: Macmillan, 1961, p. 464.

¹⁰⁵ Doyle, Michael. *Empires*. Ithaca: Cornell University Press, 1986, p. 146.

¹⁰⁶ Winkler, Heinrich August. *Geschichte des Westens. Von den Anfängen in der Antike bis zum 20. Jahrhundert*. München: Beck, 2009, p. 892.

¹⁰⁷ Porter, Bernard. *The absent-minded imperialists: empire, society, and culture in Britain*. Oxford: Oxford University Press, 2007.

¹⁰⁸ Münkler, Herfried. *Imperien. Die Logik der Weltherrschaft – vom Alten Rom bis zu den Vereinigten Staaten*. Berlin: Rowohlt, 2005, pp. 36-40.

¹⁰⁹ Oliver, Roland and Atmore, Anthony. *Africa since 1800. Fifth Edition*. New York: Cambridge University Press, 2005, pp. 130-45.

¹¹⁰ Reid, Richard. *A History of Modern Africa: 1800 to the Present*, Malden: Wiley-Blackwell, 2009, p. 145.

¹¹¹ Ferguson, Niall. *Empire: the rise and demise of the British world order and the lessons for global power*. New York: Basic Books, 2004, p. 253.

¹¹² Oliver and Atmore (2005), p. 213.

¹¹³ Barraclough, Geoffrey. *Tendenzen der Geschichte im 20. Jahrhundert*. München: C.H. Beck, 1971, pp. 199-204.

possessions, though, succumbed quickly to the Japanese) and the post-war world order was governed by the United States and the Soviet Union, two at least nominally anti-colonial superpowers.

For the majority of the continent, the colonial era lasted until about 1960 when most of the British, French and Belgian colonies were released into independence. Forerunners had been Egypt (de jure 1922, de facto 1952) and Sudan (1956) in Northern Africa, although Ghana's independence in 1957 and the 1958 All-African Peoples' Conference in Accra provided arguably the greatest impulse for further decolonization across the continent¹¹⁴. The Portuguese possessions (1975) and white settler colonies in Southern Africa all followed suit until 1990 when Namibia gained independence from South Africa, which held its first free elections in the same year (1994) that Eritrea seceded from Ethiopia. The relatively short duration of Africa's colonial period, however, had a massive impact on the political, social and economic, not to mention the linguistic, religious and cultural character of most of the continent and its people. As Crawford Young states in a succinct and much-quoted trope: "The colonial state in Africa lasted in most instances less than a century – a mere moment in historical time. Yet it totally reordered political space, social hierarchies and cleavages, and modes of economic production"¹¹⁵.

3.1.2. Life in the postcolony – a brief overview

The end of colonialism was at least as decisive a turning point in African history as its onslaught a couple of decades earlier had been, grouping subsequent events under the common header of the postcolonial period. The overall narrative of life in what Mbembe calls the *postcolony*¹¹⁶, i.e. a distinct historical entity shaped as much by colonization as by decolonization, follows a pattern whose roughness when zooming in on the individual country case does not tarnish its overall relevance and accuracy when sticking to the continental scale. Thus, loosely based on Chabal's categorization¹¹⁷, these subsequent if overlapping stages (plus the theoretical models en vogue to explain them) are: 1) Pan-Africanism; 2) Modernization; 3) Dependency; 4) Cold War; 5) Structural Adjustment; 6) Democratization; 7) War on Terror; 8) Asia's entry.

In the immediate post-independence period, African intellectuals as well as some of its most prominent political figures saw independence from European empires as only the first step of

¹¹⁴ Asante, S.K.B. in collaboration with Chanaiwa, David, "Pan-Africanism and regional integration", in Mazrui, Ali (ed.) *General history of Africa. 8. Africa since 1935*. Oxford: Heinemann, 1993, pp. 724-743, p. 725. Namibia's first president Sam Nujoma, for example, stated that "Ghana's fight for freedom inspired and influenced us all, and the greatest contribution to our political awareness at that time came from the achievements of Ghana after its independence. It was from Ghana that we got the idea that we must do more than just petition the UN to bring about our own independence", quoted in Bines, Ama, "The Legacy of Kwame Nkrumah in Retrospect", *The Journal of Pan African Studies*, Vol. 2, No. 3, 2008, pp. 129-159, p. 132.

¹¹⁵ Young, Crawford. *The African Colonial State in Comparative Perspective*. New Haven and London: Yale University Press, 1994, pp. 9-10. Twenty years prior, Coquery-Vidrovitch's eerily similar phrasing had been: "L'époque coloniale fut brève: à peine plus d'un demi-siècle dans la majeure partie des cas. Elle a pourtant marqué le pays d'une empreinte indélébile, et légué des ferments de transformation profonde". Coquery-Vidrovitch, Catherine, "Problèmes actuels", in Coquery-Vidrovitch, Catherine and Moniot, Henri (eds.) *L'Afrique Noire. De 1800 à nos jours*. Paris: Presses Universitaires de France, 1974, pp. 381-438, p. 381.

¹¹⁶ Mbembe, Achille. *On the postcolony*. Berkeley: University of California Press, 2001.

¹¹⁷ Chabal (2009), p. 3.

political emancipation to be superseded by a pan-African political structure¹¹⁸. For, “unlike any other continent except Australia, ‘Africa’ is a political idea as well as a geographical fact with a distinctive ideology: African nationalism”¹¹⁹. Kwame Nkrumah of Ghana, Léopold Senghor of Senegal, Peter Nyerere of Tanzania, Jomo Kenyatta of Kenya, Nnamdi Azikiwe of Nigeria and Sekou Touré of Guinea were only the most well-known proponents of the idea that the small colonial units of governance had to be overcome to construct a continent-wide form of rule while reconstituting communalism as the base of political life¹²⁰. What united the ethnically, linguistically and in many other facets highly heterogeneous inhabitants of the geographical continent to proclaim themselves as Africans was, paradoxically, the common yearning for independence and hence, by extension, the common experience of subjugation under the yoke of colonialism¹²¹. In Nyerere’s words, “colonization had one significant result. A sentiment was created on the African continent – a sentiment of oneness”¹²².

In spite of the firm belief among some leaders like Azikiwe that an ‘African Leviathan’ was going to emerge¹²³, African unity as envisioned by the pan-African movement was to be short-lived as a realistic option¹²⁴ as in 1964 the newly founded ‘real-life Leviathan’, the Organization of African Unity (OAU), enshrined the sanctity of colonial borders. As Warner argues, “Pan Africanism failed because the other units in the international system valued sovereign states”¹²⁵ and it could be added that most of the African units in this system also valued their own sovereign statehood more than the utopian vision of African oneness¹²⁶. Imperialism’s demise and the form of decolonization imperial powers reluctantly agreed to unwittingly served as midwife to the present-day international order of nation-states¹²⁷. Retention of the nation-state and retention of colonial borders were thus the two most important decisions taken in the liberation period. One of the results was that, in direct contradiction to traditional models of international relations, politics between countries in Africa was well-ordered (the Horn of Africa being an exception), yet domestic politics was highly unstable¹²⁸.

¹¹⁸ Geiss, Immanuel. *Panafricanismus: zur Geschichte der Dekolonisation*. Frankfurt am Main: Europäische Verlags-Anstalt, 1968, p. 11

¹¹⁹ Jackson, Robert H. and Rosberg, Carl G. “Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood”, *World Politics*, Vol. 35, No. 1, Oct. 1982, pp. 1-24, p. 17.

¹²⁰ Ochieng’-Odhiambo, F. *Trends and Issues in African Philosophy*. New York: Peter Lang, 2010, pp. 155-167.

¹²¹ Mazrui, Ali, “On the Concept of ‘We Are All Africans’”, *The American Political Science Review*, Vol. 57, No. 1, 1963, pp. 88-97, p. 89.

¹²² Nyerere, Peter, “Africa's Place in the World”, *Symposium On Africa*, Wellesley College, Wellesley, Mass., 1960, p. 149, quoted in Mazrui (1963), pp. 89-90.

¹²³ Azikiwe, Nnamdi, “The future of Pan-Africanism”, *Présence Africaine*, Vol. 40, No. 12, 1962, pp. 7-29.

¹²⁴ As an enticing idea and ideology, pan-Africanism has survived into the present and has spawned a very varied intellectual offspring. There is a strand of pan-African thought that continues to seek a continental political order, a sort of United States of Africa in which the existing states would either merge or continue as federal states under a continental government. For recent proponents, see for instance: Adebajo, Adekeye. *The Curse of Berlin: Africa after the Cold War*. London: Hurst & Co., 2010; Mwakikagile, Godfrey. *The modern African state: quest for transformation*. New York: Nova, 2001; Fonchingong, Tangie Nsoh, “The State and Development in Africa”, *African Journal of International Affairs*, Vol. 8, Nos. 1&2, 2005, pp. 1–21.

¹²⁵ Warner, Carolyn M., “The rise of the state system in Africa”, *Review of International Studies*, Vol. 27, No. 5, 2001, pp. 65–89, p. 87.

¹²⁶ An interesting exception at least in terms of constitutional provisions is Mali where the constitution from 1992 contains a clause that allows for the renunciation of sovereignty in the interest of African unity. Häberle, Peter. *Nationalhymnen als kulturelle Identitätselemente des Verfassungsstaates*. Berlin: Duncker & Humblot, 2007, p. 34.

¹²⁷ Osterhammel (2009), p. 570.

¹²⁸ Herbst, Jeffrey. *States and power in Africa: comparative lessons in authority and control*. Princeton: Princeton University Press, 2000, p. 109.

The early paradigm for African rulers in these new old state-units was to follow modernization theory's precepts in catching up to the industrialized world through industrialization and nation-building: the developmental state paradigm promoted in the 1960s and 1970s¹²⁹. Yet, the transition from dependence on the export of raw materials to a flourishing industrialized economy was not successful. A popular explanation for Africa's shortcomings, in particular in the economic field, was found in a transposition of dependency theory that had developed in Latin America. There, dependency had been defined as the historically grown imbalanced structure of the world economy that benefits only the advanced industrialized economies and is thus "a type of international and internal structure which leads [countries] to under-development or more precisely to a dependent structure that deepens and aggravates the fundamental problems of their peoples"¹³⁰. For the African context, this meant – according to Walter Rodney's influential work *How Europe Underdeveloped Africa* (1973)¹³¹ – that the colonial powers had only sought to exploit the colonies for the benefit of the metropolitan state, distorting economic development (monocultures, raw materials but no industry), infrastructure (communications oriented toward the sea-ports) and politics (authoritarian command structures)¹³².

In line with modernization theory, during the post-independence decades the state as an economic and political actor expanded massively, irrespective of the regime's ideological leanings, crowding out competition in the market-place as well as at the ballot box. Offered "a cruel choice between rapid (self-sustained) expansion and democratic processes"¹³³, most African states opted for growth and against democracy. By the early 1980s, faced with a sharp drop in commodity prices, a concomitant drop in export revenues, a massive hike in U.S. interest rates (1979) and with 'rapid self-sustained expansion' no longer within reach, the overextended one-party-state could no longer service its debts and had to seek help from the World Bank which, following the 1981 Berg Report, made loans conditional on the state undergoing a structural adjustment programme¹³⁴. In turn, national institutions were obliged to follow policies designed by international creditors, most notably the IMF (International Monetary Fund) and World Bank.

The resulting downsizing in state apparatuses and state services along with the overall economic crisis on the continent led to a substantial decrease in living standards and also undermined the neo-

¹²⁹ Muiu, Mueni wa and Martin, Guy. *A new paradigm of the African state*. London: Palgrave, 2009, p. 12.

¹³⁰ Dos Santos, Theotonio, "The Structure of Dependence", *American Economic Review*, Vol. 60, No. 2, May 1970, pp. 231-236, p. 231.

¹³¹ Rodney, Walter. *How Europe Underdeveloped Africa*. London: Bogle L'Ouverture, 1973. For a more recent example, see for instance a study of Tanzania under German colonial rule, which argues along similar lines that economic exploitation was the colonial state's ultimate goal. Koponen, Juhani. *Development for Exploitation: German Colonial Policies in Mainland Tanzania, 1884-1918*. Helsinki: Finnish Historical Society, 1995.

¹³² A very intriguing *longue durée* explanation for Africa's underdevelopment is proffered by Nunn, who establishes an empirical link (as much as that is possible) between the contemporary economic plight and the slave trades which go back to about the year 1400; Nunn, Nathan, "The long term effects of Africa's slave trades", *Quarterly Journal of Economics*, Vol. 123, No. 1, 2008, pp. 139–176. A counterargument is given by John Iliffe who argues that the demographic effects of the slave trade were "a calamity but not a catastrophe". Iliffe, John. *Geschichte Afrikas*. München: Beck, 1997, p. 187, cited in Eckert, Andreas, "Transatlantischer Sklavenhandel und Sklaverei in Westafrika", in Eckert, Andreas; Grau, Ingeborg and Sonderegger, Arno (eds.) *Afrika 1500-1900: Geschichte und Gesellschaft*. Wien: Promedia, 2010, pp. 72-88, p. 82.

¹³³ Bhagwati, Jagdish N. *The economics of underdeveloped countries*. London: Weidenfeld & Nicolson, 1966, p. 204; quoted in Sandbrook, Richard. *Closing the circle: democratization and development in Africa*. Toronto: Between the Lines, 2000, p. 10.

¹³⁴ Freund, Bill. *The making of contemporary Africa: the development of African society since 1800*. 2nd edition. Boulder, Colo.: Rienner, 1998, pp. 253-256.

patrimonial system of governance that had relied on buying off rival groups in a form of monetary appeasement¹³⁵. The plight of sub-Saharan Africa as well as its peripheral standing in world affairs further intensified with the end of the Cold War as both Soviet and U.S. aid to proxy regimes dried up while Western aid increasingly came attached with political conditions¹³⁶. One of the paradoxes of African development in the 21st century have been the parallel yet diverging processes of very low levels of integration into global trade, finance, production and communication and high levels of political and economic reform, generally on par with developed economies¹³⁷. Thus, in tune with global trends, a wave of democratization swept through Africa (though losing steam in the 2000s)¹³⁸ and (re-)introduced multi-party competition across much of the continent. One unintended result has been a resurgence of political ethnicity and often vitriolic struggles over the politics of belonging.

In the 2000s, several developments have triggered a resurgence of Africa in the global arena. On the development front, the allegedly widespread failure of African states combined with a focus on indigenous state-building and capacity-building, which has been explicitly spelled out in among others the 2005 Paris Declaration on Aid Effectiveness, the 2008 Accra Agenda for Action and the United Nations Millennium Development Goals (to name but three), has led to a stronger concentration on strengthening the governing apparatuses instead of providing mere relief aid¹³⁹.

Secondly, the U.S. government's global war on terror has contributed to a rededication of military resources to and strategic focus on Africa¹⁴⁰, in particular the Maghreb, the Horn of Africa and Nigeria. Finally, China and India's emergence as resource-poor economic super-powers has opened up Africa as a source of raw materials to the Far East, in what amounts to a renewed scramble for Africa, which according to Duffield marks the declining relevance of the West or at least of Western aid to all but the most downtrodden and desolate of countries¹⁴¹. The continent's overall extraversion, though, has remained the same, even if France, Belgium, Portugal and the UK have been gradually supplanted first by the USA and Soviet Union and now also by China, India and Brazil.

3.2. The nation-state in Africa: Colonial heritage in the postcolony

Contemporary Africa finds itself covered with what are at least nominally European-style territorial nation-states but the nation-state's ubiquity has certainly not been to everyone's delight. The relevance of discussing the nation-state in its specifically African context becomes apparent when

¹³⁵ A dissenting voice to this mainstream narrative is Nicholas van de Walle who argues that "structural adjustment loans have had a negative impact on central state capacity and have *actually reinforced* [my emphasis] neopatrimonial tendencies in the region". van de Walle, Nicolas. *African economies and the politics of permanent crisis: 1979 - 1999*. Cambridge: Cambridge University Press, 2001, p. 14.

¹³⁶ Harbeson, John W., "Africa in World Politics: Amid Renewal, Deepening Crisis", in Harbeson, John W. and Rothchild, Donald (eds.) *Africa in world politics: post cold war challenges*. Boulder: Westview Press, 1995, pp. 3-20, p. 14.

¹³⁷ Bangura, Yusuf, "Globalisation and African Development", in Suttner, Raymond (ed.) *Africa in the New Millennium*. Uppsala: Nordiska Afrikainstitutet, Discussion Paper No. 13, 2001, pp. 34-48, p. 36.

¹³⁸ Joseph, Richard, "Progress and Retreat in Africa: Challenges of a 'Frontier' Region", *Journal of Democracy*, Vol. 19, No. 2, April 2008, pp. 94-108, p. 95.

¹³⁹ Debiel, Tobias and Pech, Birgit, "State Formation and Persistent Hybridity in Africa: Reflections from a Development and Conflict Perspective", in Kostovicova, Denisa and Bojicic-Dzelilovic, Vesna (eds.) *Persistent State Weakness in the Global Age*. Farnham/Burlington: Ashgate, 2009, pp. 129-147, p. 139.

¹⁴⁰ Forest, James J.F. and Crispin, Rebecca, "AFRICOM: Troubled Infancy, Promising Future", *Contemporary Security Policy*, Vol. 30, No. 1, 2009, pp. 5-27.

¹⁴¹ Duffield, Mark, "Autour d'un livre. *Development, Security and Unending War: Governing the World of Peoples*. La Réponse de Mark Duffield", *Politique Africaine*, No. 125, March 2012, pp. 228-232.

considering the large body of writing and thought that is dedicated to blaming the introduction of the nation-state for the failure of contemporary African countries to deliver many of the benefits that the ideal-typical European nation-state promises. This is of great importance for the typology of the African nation-state because it highlights and illustrates the expectations, hopes and fears that were associated with and projected onto the nation-state in postcolonial Africa.

In recent years, there has been some debate about whether Africa's adoption of the nation-state preceded the continent's imperial conquest. The classical conception of pre-colonial African political organization is that of primitive states or stateless societies¹⁴², small in size and exhibiting little centralized authority¹⁴³. A view predicated on the belief that "in Africa [...] there was no pre-colonial tradition of statehood"¹⁴⁴. The counterargument put forward is that at least some pre-colonial states were politically and economically strong enough to be deemed the equal of contemporary sovereign European states¹⁴⁵. It is this line of thinking that informed the intellectual current of the Ibadan school of African historiography that treats the colonial period as a mere interlude while accentuating the long line of continuities between the present and pre-colonial times¹⁴⁶. Thus, variations in the post-independence fate of intermediary institutions of governance, primarily chiefs and tribal leaders, "are attributable in very large part to preexisting forms of political authority and other factors external to the colonial state, such as lineage structure, land tenure relations, and religion"¹⁴⁷.

A more accurate account of the evolution of political authority and statehood in Africa appears to be the recognition that states clearly existed in pre-colonial Africa but that these were overwhelmingly weak states¹⁴⁸. These pre-colonial states did not reflect the model of the Westphalian nation-state and their weakness and inability to protect their inhabitants against the European intruders continues to impact present-day state capacity¹⁴⁹. Hence, it is beyond doubt that the origins of the *modern* African territorial nation-states lie in the colonial period: "Despite the great variety of societies, cultures, languages, religions, forms of commerce and production, and indigenous political

¹⁴² Fortes, Meyer and Evans-Pritchard, Edward Evan, "Introduction", in Fortes, Meyer and Evans-Pritchard, Edward Evan (eds.) *African Political Systems*. London: Oxford University Press, 1940, pp. 1-23, p. 5.

¹⁴³ Horton, Robin, "Stateless societies in the history of West Africa", in Ajayi, J.F.A. and Crowder, Michael (eds.) *History of West Africa. Vol. 1*. London: Longman, 1976, pp. 72-113.

¹⁴⁴ Sørensen, Georg, "An analysis of contemporary statehood: consequences for conflict and cooperation", *Review of International Studies*, 1997, Vol. 23, No. 3, pp. 253-269, p. 260. This claim is evidently valid for those island states that were uninhabited prior to the arrival of colonialists and therefore do not have a genuine precolonial past: Mauritius, Sao Tomé and Príncipe, Seychelles, Cabo Verde. Gennaioli, Nicola and Rainer, Ilia, "The modern impact of precolonial centralization in Africa", *Journal of Economic Growth*, Vol. 12, No. 3, 2007, pp. 185-234, p. 193.

¹⁴⁵ Warner, Carolyn M., "The Political Economy of 'quasi-statehood' and the demise of 19th century African politics", *Review of International Studies*, Vol. 25, No. 2, 1999, pp. 233-255, p. 254.

¹⁴⁶ See, for instance, Ajayi, J. F. Ade, "The Continuity of African Institutions under Colonialism", in Ranger, Terence (ed.) *Emerging Themes in African History*. Nairobi: East African Literature Bureau, 1968, pp. 189-200.

¹⁴⁷ Boone, Catherine. *Political Topographies of the African State. Territorial authority and institutional choice*. Cambridge: Cambridge University Press, 2004, p. 27.

¹⁴⁸ Hopkins, A. G., "Quasi-states, weak states and the partition of Africa", *Review of International Studies*, Vol. 26, No. 2, 2000, pp. 311-320, p. 313.

¹⁴⁹ Ojo, Bamidele A., "Africa's Triple Dilemma: The State, Democratization and the Challenges of Globalization", *Globalization*, Vol. 4, No. 2, 2004, pp. 1-14.

structures that existed in the precolonial and colonial eras, the process of de-colonization produced a single format – the Western territorial state”¹⁵⁰.

Continuing ties to the former colonial power played a significant role in perpetuating the incumbent state order. Oftentimes, senior colonial officers (including in the armed forces) continued on in their posts¹⁵¹ and in many parts of what came to be known, derisively, as *Françafrique*, the French 5th Republic’s institutional design was simply imposed on the newly independent states that surrendered control over monetary policy, external economic relations and defence to the Elysée¹⁵². In a kind of vicious circle, at independence there were few Africans skilled and trained in the running of a country since the colonists had deliberately kept them out of state administrations¹⁵³, and the resulting lack of capacity and weakness of the state fed into the continuing reliance on the former masters¹⁵⁴.

Alas, the failure of the Pan-African dream to materialize and leave an imprint on political realities on the continent is not only grounded in the independence generation’s political leaders’ parochial interests and lack of a vision that went beyond the nation-state. To some extent, the nation-state was bequeathed upon Africa because it suited the established notions of political organization prevalent among the exiting colonial rulers¹⁵⁵. In fact, most of the states that came into being as a result of decolonization did and do not meet the criteria for statehood that were part of international law in the 1930s during the era of the League of Nations, i.e. effective government with centralized institutions¹⁵⁶. During the wave of decolonization, in contrast, the United Nations lent its support to an immediate end to colonialism which included a provision that “[i]nadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence”¹⁵⁷. Thus, the quick success of anti-colonial movements and the rushed nature of decolonization also had an impact as none of the new leaders was forced to seek out alternatives to the metropolitan nation-state model¹⁵⁸. Therefore, African states arguably “have been obliged to adopt the model of the sovereign, territorial state (with the corollary that every state must evolve into a nation-state) as the exclusive form of organization to order their political lives”¹⁵⁹.

¹⁵⁰ Holsti, Kalevi J. *The state, war, and the state of war*. Cambridge: Cambridge University Press, 1996, p. 79.

¹⁵¹ Clapham, Christopher. *Africa and the International System: The Politics of State Survival*. Cambridge: Cambridge University Press, 2007, p. 21.

¹⁵² Muiu and Martin (2009), p. 56; see also Bangoura, Dominique, “État et sécurité en Afrique”, *Politique Africaine*, No. 61 (Besoin d’Etat), 1996, pp. 39-53, p. 40.

¹⁵³ Dumont, René. *L’Afrique noire est mal partie*. Paris: Éditions du Seuil, 1962.

¹⁵⁴ Clapham (2007), p. 21.

¹⁵⁵ Cooper, Frederick, “Conflict and Connection: Rethinking Colonial African History”, *The American Historical Review*, Vol. 99, No. 5, Dec. 1994, pp. 1516-1545, p. 1537.

¹⁵⁶ Milliken, Jennifer and Krause, Keith, “State Failure, State Collapse and State Reconstruction: Concepts, Lessons and Strategies”, *Development and Change*, Vol. 33, No. 5, 2002, pp. 753–774, p. 763.

¹⁵⁷ United Nations. *Declaration on the Granting of Independence to Colonial Countries and Peoples*. General Assembly resolution 1514 (XV), 14 December 1960, available at: <http://www2.ohchr.org/english/law/independence.htm> (accessed: 27 April 2012).

¹⁵⁸ Wirz, Albert, “Körper, Kopf und Bauch. Zum Problem des kolonialen Staates im subsaharischen Afrika”, in Reinhard, Wolfgang (ed.) *Verstaatlichung der Welt? Europäische Staatsmodelle und außereuropäische Machtprozesse*. München: Oldenbourg, 1999, pp. 253-272, p. 258.

¹⁵⁹ Ayoob, Mohammed, “Subaltern Realism: International Relations Theory Meets the Third World”, in Neuman, Stephanie G. (ed.) *International Relations Theory and the Third World*. New York: St. Martin’s Press, 1998, pp. 31-54.

As the nation-state as the template for political organization in postcolonial Africa is thus a given, the following four sections will investigate more closely *how* and *to what extent* the existing nation-states in Africa are shaped and beholden to the heritage of the colonial states they succeeded. In 3.2.1 the focus will be on principled criticism of the imposition of nation-states on African societies, subsequently 3.2.2 discusses the value or plight of colonial territorial boundaries, 3.2.3 analyses the continuities of the political system from colonial to post-colonial regimes and 3.2.4 questions the idea of African states as remote and weak 'Berlinist' states.

3.2.1. The nation-state in Africa: the Black Man's Burden?

There is a strand of thought epitomized by Basil Davidson's aptly named book *The Black Man's Burden*¹⁶⁰ that argues that the nation-state has been a harbinger of doom and downfall for African societies that have suffered due to its alien and ill-fitting institutional and normative straitjacket¹⁶¹. Regardless of where one stands on the matter of choice or inevitability, the fact that African leaders upon independence retained and embraced the *status quo* of the territorial nation-state model has been a major bone of contention in academia and beyond. This strand of thought is represented by the claim that "the vast majority of national trajectories in Africa starkly reflect the limits on the nation-state's ability to deliver the prosperity and freedom that it was thought to embody in the heyday of decolonisation"¹⁶².

The territorial nation-state has been characterized as a "prison house" and "[t]he West's cruelest joke at the expense of Africa"¹⁶³. In a somewhat circular argumentation, some blame the exogenous origin, the lack of 'Africanness' of the African state for its lack of legitimacy¹⁶⁴ and see the state as "a purely imported product, a pale imitation of the diametrically opposite European political and social systems, a foreign body"¹⁶⁵ whose imported institutions will lead to a popular backlash by those opposed to alien institutions¹⁶⁶. This argument does not seem very convincing in and by itself. After all, the nation-state was, initially at least, an alien introduction wherever it was introduced and it is far from certain that African societies in a counterfactual universe without any nation-states would be more peaceful, prosperous and stable than in the actual world.

The postcolonial nation-state's critics vary, however, in their analyses of why and how the nation-state is detrimental to African countries and societies. The most famous articulation of the idea that the nation-state in Africa failed (and thereby failed Africans) is Basil Davidson's argument that "acceptance of the post-colonial nation-state meant acceptance of the legacy of the colonial

¹⁶⁰ An allusion to Rudyard Kipling's famous 1899 poem 'The White Man's Burden' that praises the civilizing task of British rulers in their colonized territories.

¹⁶¹ Davidson, Basil. *The Black man's burden: Africa & the curse of the nation-state*. Oxford: Currey, 1992.

¹⁶² Berger, Mark T., "From Nation-Building to State-Building: The Geopolitics of Development, the Nation-State System and the Changing Global Order, *Third World Quarterly*, Vol. 27, No. 1, 2006, pp. 5-25, p. 15.

¹⁶³ Mazrui, Ali, "Africa Entrapped: Between the Protestant Ethic and the Legacy of Westphalia", in Bull, Hedley and Watson, Adam (eds.) *The Expansion of International Society*. Oxford: Clarendon Press, 1984, pp. 289-308, p. 289

¹⁶⁴ Englebert, Pierre, "The Contemporary African State: Neither African nor State", *Third World Quarterly*, Vol. 18, No. 4, Sep. 1997, pp. 767-775, p. 771.

¹⁶⁵ Badie, Bertrand and Birnbaum, Pierre. *The sociology of the state*. Chicago: University of Chicago Press, 1983, p. 181.

¹⁶⁶ Badie, Bertrand. *The imported state: the westernization of the political order*, Stanford, Calif.: Stanford University Press, 2000.

partition, and of the moral and political practices of colonial rule in its institutional dimensions”¹⁶⁷. This quote embodies two of the main facets of the African nation-state that have been instrumental in shaping the political and societal structures in the postcolony: a) the imposition of colonial borders on disparate peoples and ethnic groups, and b) continuities between the state structure and form of governance from colonial to postcolonial rulers. These two will be looked at in more detail because they provide deep insights into the makeup of African nation-states in the independence period.

3.2.2. Colonial boundaries: obstacle or asset to state-building?

The fixed territoriality of today’s states goes counter to the African pre-colonial experience where control over people was much more crucial than control over territory. As population density was low, wars were fought “to capture people and treasure, not land which was available to all”¹⁶⁸. People were highly mobile and their mobility ensured accountability among political leaders as populations could simply move on to a different location if pressed too hard by the rulers¹⁶⁹. Pre-colonial Africa was thus, in the words of Igor Kopytoff, a “frontier continent”¹⁷⁰. As a consequence, rule and authority lacked the stringent focus on territoriality so central to European history and state-making.

Colonial border-making forever changed this state of affairs as it introduced to Africa an entirely new principle of political organization¹⁷¹, the principle of the *territorial* nation-state. Decolonization did not alter the territorial status quo of colonial subdivision¹⁷² as colonial borders that were often only ill-defined on the ground were appropriated, reassessed and refined by post-colonial governments¹⁷³. Then in 1964, the OAU decreed that “all Member States pledge themselves to respect the borders existing on their achievement of national independence”¹⁷⁴. As a result, Africa’s map “was entirely constructed by colonial cartography, thus bearing the original sin of alien origin and artificiality”¹⁷⁵. Up until South Sudan’s secession from the North in July 2011, Eritrea’s secession

¹⁶⁷ Davidson (1992), p. 162.

¹⁶⁸ Herbst (2000), p. 20.

¹⁶⁹ Kelsall, Tim, “History, Identity and Collective Action: Difficulties of Accountability”, in Engel, Ulf and Olsen, Gorm Rye (eds.) *The African Exception*. Aldershot: Ashgate, 2005, pp. 53-67, p. 55.

¹⁷⁰ Kopytoff, Igor, “The Internal African Frontier: The Making of African Political Culture”, in Kopytoff, Igor (ed.) *The African Frontier: the reproduction of traditional African societies*. Bloomington and Indianapolis: Indiana University Press, 1989, pp. 3-83, p. 7.

¹⁷¹ Wirz (1999), p. 256.

¹⁷² African leaders may have been swayed to refrain from border realignment by the massive violence that accompanied the partition of British India in 1947. Alao, Charles, “The problem of the failed state in Africa”, in Alagappa, Muthiah and Inoguchi, Takashi (eds.) *International Security Management and the United Nations*. Tokyo: United Nations University Press, 1999, pp. 83-102, p. 84.

¹⁷³ An example would be the joint border demarcation mission between Ghana and Côte d’Ivoire – the entire process lasted from 1970 to the late 1980s – which fixed the exact location of the border and made it visible on the ground by constructing fortifications; Stary, Bruno, “Un no man’s land forestier de l’artifice à l’artificialité: l’étatisation de la frontière Côte-d’Ivoire-Ghana”, *Les Cahiers d’Outre-Mer*, No. 222, April-June 2003, pp. 199-228.

¹⁷⁴ Organization of African Unity, “Border Disputes Among African States”, AHG/Res. 16(I), *Resolutions Adopted by the First Ordinary Session of the Assembly of Heads of State and Government*, held in Cairo, UAR, from 17 to 21 July 1964.

¹⁷⁵ Young, Crawford, “Nation, Ethnicity, and Citizenship: Dilemmas of Democracy and Civil Order in Africa”, in Dorman, Sara; Hammett, Daniel and Nugent, Paul (eds.) *Making Nations, Creating Strangers. States and Citizenship in Africa*. Leiden: Brill, 2007, pp. 241-264, p. 244.

from Ethiopia in 1994 had been the only example (apart from minor border corrections) of a successful and internationally recognized redrawing of Africa's political map¹⁷⁶.

Hence, the classic critique of African borders is to bemoan the borders' artificiality as a major reason for the African state's present-day lack of cohesion and politico-economic success in state-building and nationbuilding¹⁷⁷. The political boundaries adopted by postcolonial states were in reality the ossified expression of European and not African interests¹⁷⁸, often reflected the short-term rationale of European politicians in the late 19th century and were characterized by "the high degree of geographical ignorance on the part of negotiators and their consequent desire to avoid ambiguity by defining lines capable of objective survey"¹⁷⁹.

Colonialism thus forcibly brought people of different ethnic, political and religious affiliations together to form a state and forge a common sense of citizenship in an arbitrarily circumscribed territory¹⁸⁰. This fact that the inherited borders cut across traditional group entities such as the Hausa or across natural resources claimed by several states as in the case of Mali and Burkina Faso has been widely lamented¹⁸¹ because African borders "distort processes of political development and divide communities that otherwise would be organically constituted"¹⁸². While some have challenged the artificiality hypothesis on the grounds that the colonial intruders often did take into account the ethnic and demographic facts *en place*¹⁸³, the main opposition to this line of thinking arises from the claim that, at the end of the day, all borders whether in Africa or Europe are artificial¹⁸⁴.

¹⁷⁶ Mayotte, one of the four islands comprising the Comoros archipelago, opted to remain a part of France when the other three islands declared their independence in 1975. Although the United Nations have called on France to cede control of the island to Comoros, in a 2009 referendum 95% of voters in Mayotte chose to officially become a part of France. Along with Kosovo's independence from Serbia, Mayotte was explicitly cited by Russian foreign minister Lavrov to highlight Western countries' hypocrisy in criticizing the secession of Crimea from Ukraine in March 2014. Lavrov, Sergei, "It's not Russia that is destabilising Ukraine", *The Guardian*, 7 April 2014, <http://www.theguardian.com/commentisfree/2014/apr/07/sergei-lavrov-russia-stabilise-ukraine-west> (accessed: 8 April 2014).

¹⁷⁷ Ravenhill, John, "Redrawing the Map of Africa", in Rothchild, Donald and Chazan, Naomi (eds.) *The Precarious Balance: State and Society in Africa*. Boulder, CO: Westview Press, 1988, pp. 282-83.

¹⁷⁸ Bjornson, Richard, "National Identity Concepts in Africa: Interplay between European Categorization Schemes and African Realities", in Boerner, Peter (ed.) *Concepts of National Identity – an Interdisciplinary Dialogue. Interdisziplinäre Betrachtungen zur Frage der nationalen Identität*. Baden-Baden: Nomos Verlagsgesellschaft, 1986, pp. 123-139, p. 124.

¹⁷⁹ Hargreaves (1985), p. 26.

¹⁸⁰ Jackson, Robert H. and Rosberg, Carl G. "The Marginality of African States", in Carter, Gwendolyn and O'Meara, Patrick (eds.) *African Independence. The First 25 Years*. Bloomington: Indiana University Press, 1985, pp. 45-70.

¹⁸¹ Igwe, Ogunzola John. *Le territoire de l'Etat en Afrique: Les dimensions spatiales du développement*. Paris: Karthala, 1995, p. 28.

¹⁸² Larémont, Ricardo René, "Borders, States, and Nationalism", in Larémont, Ricardo René (ed.) *Borders, nationalism, and the African state*. Boulder: Lynne Rienner, 2005, pp. 1-31, p. 24.

¹⁸³ Gallais, Jean, "Poles d'État et frontières en Afrique contemporaine", *Les Cahiers d'Outre-Mer*, No. 38, 1982, pp. 114-121.

¹⁸⁴ Nzongola-Ntalaja, Georges, "Political Reforms and Conflict Management", in Suttner, Raymond (ed.) *Africa in the New Millennium*. Uppsala: Nordiska Afrikainstitutet, Discussion Paper No. 13, 2001, pp. 12-27, p. 17; Senghor, Léopold, "On African Homelands and Nation-States, Negritude, Assimilation, and African Socialism", in English, Parker and Kalumba, Kibujjo M. (eds.) *African Philosophy: A Classical Approach*. Upper Saddle River, NJ: Prentice Hall, 1996, pp. 43-56, p. 45.

Moreover, it can be considered rational for African post-colonial governments to defend the territorial status quo “[s]ince any boundary change could undermine their precarious internal structure, and perhaps even threaten their existence as states”¹⁸⁵. In Africa, as a rule states were created inside boundaries that had existed prior to the states’ existence and in the absence of pre-colonial antecedents these borders therefore constitute the state’s sole *raison d’être*¹⁸⁶. Defending these boundaries has become a primary occupation for African governments not in spite but *because* of their arbitrariness. Hence, the fact that states do or did not possess full control over borders and the people that cross them does not automatically mean that these same borders are irrelevant to state formation.

In fact, the often artificial boundaries have typically been an asset rather than an obstacle to effective statebuilding in post-colonial Africa¹⁸⁷, with the result that while in “the precolonial era, population distributions yielded boundaries [...] in the modern era, boundaries define a people”¹⁸⁸. Whereas borders were usually determined by force and thus in the sense arbitrary that local populations’ wishes were not a priority, the difference with “African borders is that they did not enshrine the balance of power a posteriori but determined it a priori”¹⁸⁹. Later changes to power relations after the cut-off date of independence would not be reflected in the size and shape of African states. Therefore, while there have been a small number of secessionist movements – Katanga in the Congo, Biafra in Nigeria¹⁹⁰, Casamance in Senegal, Anjouan in the Comoros, Somaliland¹⁹¹ and Puntland in Somalia and, most recently, Azawad in Mali – these have been unsuccessful (so far) not least because of the unwillingness of fellow African governments to recognize them for fear of repercussions for their own countries.

In spite of these debates, borders rarely take centre stage as the only or prime reason for African nation-states’ failings. Urban bourgeois elites who benefited from control over international borders were juxtaposed to a rural majority that typically regarded borders (and, in fact, the state itself) as irrelevant¹⁹². As a consequence borders have in practice been widely ignored in the post-independence years¹⁹³. Although it bears mentioning that Africa is not only the most mobile continent but also “has the ignominious distinction of being home to the largest number of involuntary migrants” as Africa leads the world in refugees and internally displaced persons (IDPs)¹⁹⁴. The persistence of colonial boundaries is, of course, a very critical component of the evolution of contemporary forms of political authority and organization in Africa and – as will be shown in the

¹⁸⁵ Touval, Saadia, “The Sources of *Status Quo* and Irredentist Policies”, in Widstrand, Carl Gösta (ed.) *African boundary problems*. Uppsala: Scandinavian Institute of African Studies, 1969, pp. 101-118, p. 106.

¹⁸⁶ Clapham, Christopher, “Rethinking African States”, *African Security Review*, Vol. 10, No. 3, 2001, pp. 6-16.

¹⁸⁷ Herbst (2000), p. 25.

¹⁸⁸ Ibid, p. 145.

¹⁸⁹ Wesseling (1996), p. 364.

¹⁹⁰ Tanzania under president Nyerere was the only country to temporarily recognize the Biafra government in 1968.

¹⁹¹ Somaliland is a particularly telling example of the sovereignty regime in Africa that will be discussed in the following chapter. In spite of valiant efforts on the part of the Somaliland government to demonstrate effective statehood, UN recognition remains elusive while officially recognized Somalia is but a shell of a state; see Hoehne, Markus, “L’État de facto du Somaliland”, *Politique Africaine*, Vol. 120, December 2010, pp. 175-200.

¹⁹² Larémont (2005), p. 2.

¹⁹³ Davidson (1992), pp. 204-05.

¹⁹⁴ Spellman, William M. *Uncertain Identity: International Migration since 1945*. London: Reaktion Books, 2008, p. 89.

typology in the subsequent chapters – in itself triggered and shaped several characteristic features of African nation-states like their extraversion, the gatekeeper status, the tendency to use proxy forces in neighbouring states and the prevalence of armed non-state actors to name but a few.

3.2.3. Continuity of the political system: new states or new regimes?

At least as important as boundaries, however, were and are continuities in the political system of governance and rule between colonial and postcolonial countries. The decisive flaw of the postcolonial period, as Mkandawire rightly points out, “is not so much that the nationalists accepted existing colonial borders, but rather that this acceptance gave individual states *carte blanche* in terms of what they could do to their citizens within these borders”¹⁹⁵. Therefore, we shall look at the type of political system postcolonial states inherited at independence and how it has evolved since then in order to gain first insights into the African nation-state’s characteristic patterns of rule.

The end of colonialism was accompanied by grand hopes of a brighter tomorrow, including expectations of a break in how the state acted and interacted with its citizens. Alas, there is a long tradition of arguing that de-colonization in Africa has not led to the creation of new states but has merely meant a change of regime and the re-emergence of features of the colonial state under new guises¹⁹⁶. According to this strand of thought, “[t]he basis of the post-colonial state in Africa is the colonial state”¹⁹⁷. Continuity with the colonial state is particularly troubling considering that the colonial state set up by European powers did not resemble the democratic and progressive pretensions of the metropolitan states of, say, France, the United Kingdom or Belgium. Instead, the colonial state was based on “a characteristic neo-traditionalist ideology of patriarchal bureaucratic authoritarianism”¹⁹⁸. Creating states was clearly not the object of colonial rule. The fact that colonial states were not constructed as *alter egos* of the metropolitan state was thus grounded in the very foundations of the domineering, racist-supremacist paradigm of colonialism itself¹⁹⁹, which laid the groundwork for the “gubernatorial, territorial, bureaucratic, paternalist-educational, caste-like” nature of the postcolonial state²⁰⁰.

Thence, state bureaucracies expanded massively after independence and established a robust bureaucratic autocracy in the newly independent state²⁰¹, which just “like the colonial state before it, turns on the calculus of strength”²⁰². The colonial state had been based on the circular premise of exacting submission from its citizens solely for the sake of attaining submission; the postcolonial state employed essentially the same methods of submission that the colonial state had introduced and thus came to embody the colonial legacy of despotism²⁰³. Even though many recognized the

¹⁹⁵ Mkandawire, Thandika, “African intellectuals and nationalism”, in Mkandawire, Thandika (ed.) *African intellectuals: rethinking politics, language, gender and development*. London: Zed Books, 2005, pp. 10-55, p. 12.

¹⁹⁶ Young, Crawford (1994), p. 286.

¹⁹⁷ Chazan, Naomi; Lewis, Peter; Mortimer, Robert; Rothchild, Donald and Stedman, Stephen John. *Politics and society in contemporary Africa. 3rd Edition*. London: Macmillan, 1999, p. 42.

¹⁹⁸ Berman, Bruce J., “Ethnicity, Patronage, and the African State: The Politics of Uncivil Nationalism”, *African Affairs*, Vol. 97, No. 388, 1998, pp. 305-341, pp. 313-14.

¹⁹⁹ Holsti (1996), p. 79.

²⁰⁰ Smith, Anthony D. *State and Nation in the Third World: The Western State and African Nationalism*. New York: St Martin’s Press, 1983, p. 56.

²⁰¹ Young, Crawford (1994), p. 286.

²⁰² Ake, Claude. *Democracy and development in Africa*, Washington, D.C.: Brookings Institution, 1996, p. 7.

²⁰³ Mbembe (2001), pp. 53, 66-69.

need for a substantive restructuring of the state²⁰⁴, the emerging political class dominated by nationalist leaders was keen to protect the colonial legacy by “using the enormous authoritarian structures of the state to appropriate economic gains for themselves”²⁰⁵ and generally acting like “a predatory other for the citizen”²⁰⁶. This endeavour was facilitated by the fact that national bureaucracies were taken over largely by officials with experience in the incumbent administration, “the bureaucratic bourgeoisie, those with the unique expertise of rule, learned at the colonialists’ office desks”²⁰⁷.

For parts of African societies, however, the very fact that African states were built on the European colonial model made them illegitimate²⁰⁸. By agitating against the state as an external imposition, nationalist anti-colonial movements had thereby in the eyes of many citizens ostracized the state *per se*²⁰⁹; the African state not only inherited the colonial state’s flaws but also the resentment its subjects felt toward the state *qua* state²¹⁰. This lack of legitimacy and accountability was compounded by the mostly peaceful colonial handover which meant that states did not emerge out of a contestation with society²¹¹ and by liberation leaders who failed to include the wider population and thus gain legitimacy in deciding the shape and form of the new states²¹². Citizens’ alienation was compounded as the new leadership concomitantly rejected African traditions because for them “[l]iberation from colonial rule [...] had to go hand in hand with liberation from whatever was or seemed to be ‘traditional’”²¹³.

3.2.4. Strong or Berlinist states?

In addition to the legacy of authoritarian rule, the dominant position of the state in relation to society equally dates from colonial times²¹⁴ when the state “managed in a short time to assert a powerful hold on subject society and to smash its resistance”²¹⁵. Regardless of their political leanings, independence leaders picked up the statism of colonial pedigree “for its obvious utility in consolidating power and accumulating personal wealth”²¹⁶. On the other side, there is a school of thought which acknowledges that the African colonial state may have been ruthless, violent and authoritarian, yet was only able to demonstrate its ruthlessness, violence and authoritarianism to the

²⁰⁴ Agbese, Pita Ogaba, “The Political Economy of the African state”, in Kieh, George Klay Jr. (ed.) *Beyond state failure and collapse: making the state relevant in Africa*. Plymouth: Lexington Books, 2007, pp. 33-48, p. 38.

²⁰⁵ Olayode, Kehinde, “Reinventing the African State: Issues and Challenges for Building a Developmental State”, *African Journal of International Affairs*, Vol. 8, Nos. 1&2, 2005, pp. 23–43, p. 28.

²⁰⁶ Young, Crawford (1994), p. 291.

²⁰⁷ Lonsdale, John, “States and Social Processes in Africa: A Historiographical Survey”, *African Studies Review*, Vol. 24, No. 2/3, Jun.-Sep. 1981, pp. 139-225, p. 152.

²⁰⁸ Davidson (1992), p. 10

²⁰⁹ Ayoade, John A. A., “States without Citizens: An Emerging African Phenomenon”, in Rothchild, Donald and Chazan, Naomi (eds.) *The Precarious Balance: State and Society in Africa*. Boulder, CO: Westview Press, 1988, pp. 100-118, p. 104.

²¹⁰ Sawadago, Raogo Antoine. *L’État africain face à la décentralisation*. Paris: Karthala, 2001, p. 56

²¹¹ Lambach, Daniel. *Staatszerfall im postkolonialen Afrika*. Marburg: Tectum, 2002, p. 34.

²¹² Gellar, Sheldon. *Democracy in Senegal: Tocquevillian Analytics in Africa*. New York: Palgrave Macmillan, 2005, p. 8

²¹³ Davidson (1992), p. 74

²¹⁴ Koponen (1995), p. 26.

²¹⁵ Young, Crawford (1994), p. 139.

²¹⁶ Diamond, Larry, “Introduction: Roots of Failure, Seeds of Hope”, in Diamond, Larry; Linz, Juan J. and Lipset, Seymour Martin (eds.) *Democracy in developing countries. Vol. 2: Africa*. Boulder, CO: Rienner, 1988, pp. 1-32, pp. 7-8.

minority of Africans whose lives the state actually reached and touched²¹⁷: “Africa was systematically conquered but not so systematically ruled”²¹⁸.

Going back to the Berlin Conference of 1884-5 that divided the continent among European powers, it was deemed sufficient for European states to stake a claim over a given territory, exert physical control over the capital – typically located at or near the coast for better communications with the metropolitan state – and otherwise merely promise to eventually extend rule to the hinterland. This minimalist governance strategy that Kieh called ‘Berlinist’²¹⁹ in honour of the infamous gathering persisted after independence because “empires bequeathed underdeveloped state institutions and a faith in planning to the independent African rulers”²²⁰. Faced with the failure of these institutions, now manned by local elites, to improve their livelihoods, many Africans “have detached themselves from the Berlinist state and ostracized the state from their lives”²²¹. Crucially, this disdain for the state could be found both in states that were notionally strong, e.g. imperial Ethiopia, or weak and ‘Berlinist’ like, for instance, Chad.

3.3. Colonial heritage and the African territorial nation-state – a short summary

In spite of misgivings over its origins and the shape it has taken, today there is only a minority of political thinkers and academics that harbour serious designs of overcoming the territorial nation-state as presently constituted. Wherever one stands on the question of continuities, it is worth remembering that de-colonization across most of the continent occurred half a century ago and hence some forms of continuities, for example in terms of personnel or in personal memories, are highly unlikely to still be a major factor today. “New historical experience reshapes social memory and begins to obscure the colonial past”²²². Africans have appropriated and effectively hybridized the institutions inherited from the colonial state and this process of *endogenisation* has Africanized the state²²³. The reasons for the state’s shortcomings must therefore be sought elsewhere as the question of guilt and responsibility for present-day calamities slowly but surely becomes moot²²⁴.

What is, however, apparent is that several of the key characteristics of the African nation-state originated in and hail from the colonial period and the peculiar African form of decolonization which maintained intact not only the territorial grid of colonial times but also many of its institutions and ways of interaction between state and citizens or, rather, rulers and ruled. The centralization of authority, the authoritarian neglect for popular accountability and the lack of reach beyond the capital are all part of the typified African postcolonial territorial nation-state. Hence, while I fully agree with the assessment that “[t]he ‘national order of things’ should neither be taken as natural

²¹⁷ Wesseling (1996), p. 372.

²¹⁸ Cooper, Frederick (2002), pp. 196-97.

²¹⁹ Kieh, George Klay Jr., “Introduction: The Terminally Ill Berlinist State”, in Kieh, George Klay Jr. (ed.) *Beyond state failure and collapse: making the state relevant in Africa*. Plymouth: Lexington Books, 2007, pp. 3-21.

²²⁰ Warner (2001), p. 82.

²²¹ Kieh (2007), p. 3.

²²² Young, Crawford, “The End of the Post-colonial State in Africa? Reflections on Changing African Political Dynamics”, *African Affairs*, Vol. 103, No. 410, 2004, pp. 23–49, p. 48.

²²³ Bayart, Jean-François, “L’historicité de l’Etat Importé”, in Bayart, Jean-François (ed.) *La Greffe de l’Etat*. Paris: Karthala, 1996, pp. 11-39, p. 14.

²²⁴ Eckert, Andreas, “Spätkoloniale Herrschaft, Dekolonisation und internationale Ordnung. Einführende Bemerkungen”, in Kruke, Anja (ed.) *Dekolonisation: Prozesse und Verflechtungen, 1945 - 1990*. Bonn: Dietz Nachf., 2008, pp. 3-20, p. 19.

nor dismissed as an artificial imposition on Africa”²²⁵, what matters more is that this ‘national order of things’ has become the norm in Africa over the past half century. Regardless of whether they like it or not, Africans have had to come to terms with the fact that “we in Africa, too, have become offshoots of the Western political heritage, even though our roots lie in a different soil”²²⁶. Given the length of time that has elapsed since most colonies became independent the territorial nation-states on the African continent have since then developed their own idiosyncratic features that will be depicted in the coming chapters.

²²⁵ Cooper (1994), pp. 1541-42.

²²⁶ Sanneh, Lamin, “Religion, Politics, and National Integration: A Comparative African Perspective”, in Hunwick, John O. (ed.) *Religion and National Integration in Africa: Islam, Christianity, and Politics in the Sudan and Nigeria*. Evanston, IL: Northwestern University Press, 1992, pp. 151-166, p. 151.

4. Typology of the African nation-state

Building on the groundwork laid in the preceding chapter on some of the overarching themes of post-colonial African history, this chapter has the object of developing a typology of the African nation-state based on a varied and critical reading of previous analyses and characterizations of sub-Saharan African countries and their development in the five-plus decades since independence from colonial rule. The nation-state may be a composite construct but it is analytically possible to disentangle the components focusing on the construction of the state and on the building of a nation – even if the two are meant to or actually do influence each other in real life. Since the conceptual idea of this investigative undertaking is to develop a comparative framework and measuring stick for the analysis of South Sudan's statebuilding and nationbuilding record, such an approach has the advantage of circumventing the dominance of the prototypical nation-state of (Western) European pedigree – even if admittedly many of the academics that have come up with theories of the African nation-state are from the West or work at Western universities²²⁷. Furthermore, the types of the state and nation will emanate from South Sudan's continental peers (so to speak) and thus allow for more intricate conceptual and diachronic comparisons.

Those theories and concepts that I have taken to be most representative and accurate in their depiction, analysis and explanation of certain aspects of postcolonial African statehood and nationhood have been distilled from a larger offering. In what has been a crucial step in the evolution of this typology, several of the main themes have been combined into composite characterizations where this made sense due to the proximity and/or interrelatedness of the concepts. Thence, this typology is divided into two separate sections: 4.1 is going to depict the nature of the postcolonial African state whereas 4.2 will delve into the nature of the postcolonial African nation. 4.3 will then juxtapose the typology of the African nation-state to the model of the European nation-state before the categories are applied to the case of South Sudan in the subsequent chapters. Prior to all three, however, a brief excursus will be devoted to debating and questioning the utility of the failed or failing state concept for an analysis of the African nation-state.

Excursus: The failure of the failed state

Analyzing and discussing the African nation-state, it is impossible to avoid the strand of thinking about the African state that centres on the idea of state failure. As I am going to argue, the concept of the failed state is not a very useful tool to understanding and grasping political realities in contemporary Africa and with its binary logic fails to yield insights that a comparative typology of the African nation-state permits. State failure is understood as the state's failure to deliver positive political goods to its citizens, especially security but also political participation, property rights, rule of law and social services²²⁸; failed states are therefore "those where the government cannot or will

²²⁷ This includes many Africans as better facilities, greater exposure, freedom of speech and higher earning potential have contributed to a substantial brain drain among African academics. To illustrate the situation, "more Ethiopian holders of doctoral degrees work outside of Ethiopia than at home, and 30% of all highly educated Ghanaians and Sierra Leoneans live and work abroad". Altbach, Philip G., "Globalisation and the university: Myths and realities in an unequal world", *Tertiary Education and Management*, Vol. 10, No. 1, 2004, pp. 3-25, p. 13.

²²⁸ Rotberg, Robert I. *When States Fail: Causes and Consequences*. Princeton, N.J.: Princeton University Press, 2004.

not deliver core functions to the majority of its people”²²⁹. The concept of state failure is moreover predicated on the fact that as a result of external and internal pressures – structural adjustment, corruption, disaffection with lack of democracy and ethnic mobilization – the state has lost control over the economic and the political space²³⁰ and centrifugal forces have been strengthened to such an extent as to fundamentally devalue the state as a place of political decision-making²³¹. The end of the Cold War in many cases hastened a decline of state institutions by removing political and especially financial backing supplied by the two superpowers²³².

Addressing the failed/failing state hypothesis is imperative because it has transcended academic discourse and strongly influences the rationale and actual policy-making of several Western countries (led by the United States) towards the developing world and, in particular, state failure’s mother-ship: Africa. This focus is epitomized by a series of CIA-commissioned reports by the State Failure Task Force from 1995 onwards²³³. The 2000 report which contained a specific ‘Sub-Saharan Africa Model’ of failing states asserted that “[t]he proportion of African countries experiencing some form of state failure was higher in the mid-1990s than it was at any other time in the post-colonial era”²³⁴. Others have asserted that “[t]here is hardly a low-income country that does not face the possibility of failure”²³⁵, which, being low-income, would encompass the vast majority of African states²³⁶.

The failed state hypothesis can also serve as empirical backing to an appeal for American imperialism²³⁷. According to this argument, when failed states pose a major threat to stability, in Africa’s case for instance as safe havens for terrorists, the West – the United States in particular – can no longer afford to “refuse to impose their own institutions on disorderly ones”²³⁸. Similarly, the ever-growing literature on nation-building, from the RAND corporation’s manual to Francis

²²⁹ Department for International Development. *Why we need to work more effectively in fragile states*. London, January 2005, p. 7.

²³⁰ Zartman, William, “Introduction: posing the problem of state collapse”, in Zartman, William (ed.) *Collapsed States: The Disintegration and Restoration of Legitimate Authority*, Boulder: Lynne Rienner, 1995, pp. 1-11.

²³¹ Tetzlaff, Rainer and Jakobeit, Cord. *Das nachkoloniale Afrika*. Wiesbaden: Verlag für Sozialwissenschaften, 2005, p. 144.

²³² Alao (1999), pp. 85-86.

²³³ Esty, Daniel C.; Goldstone, Jack A.; Gurr, Ted Robert; Surko, Pamela T. and Unger, Alan N. *Working Papers: State Failure Task Force Report*. McLean, VA: Science Applications International Corporation, 30 November 1995. The task force was later renamed Political Instability Task Force.

²³⁴ Goldstone, Jack A., Gurr, Ted Robert; Harff, Barbara; Levy, Marc A.; Marshall, Monty G.; Bates, Robert H.; Epstein, David L.; Kahl, Colin H.; Surko, Pamela T.; Ulfelder, John C. and Unger, Alan N. in consultation with Christenson, Matthew; Dabelko, Geoffrey D.; Esty, Daniel C. and Parris, Thomas M. *State Failure Task Force Report: Phase III Findings*. McLean, VA: Science Applications International Corporation, 30 September 2000, p. 19.

²³⁵ Ottaway, Marina and Mair, Stefan. *States at Risk and Failed States: Putting Security First*. Washington, DC: Carnegie Endowment for International Peace, Policy Outlook, September 2004, p. 2.

²³⁶ In an interesting twist, Riek Machar, former vice-president and current rebel leader, was seen reading the book *Why Nations Fail* (Acemoglu, Daron and Robinson, James A. *Why nations fail: the origins of power, prosperity and poverty*. London: Profile Books, 2012) at his camp in order to check whether he was doing the right thing to avoid failure. Fortin, Jacey, “At Quiet Rebel Base, Plotting an Assault on South Sudan’s Oil Fields”, *New York Times*, 3 April 2014, <http://www.nytimes.com/2014/04/04/world/africa/from-a-quiet-rebel-base-plotting-an-assault-on-south-sudans-oil-fields.html?ref=africa&r=0> (accessed: 4 April 2014).

²³⁷ The most influential and most notorious work in this intellectual tradition of conceiving of world leadership as the White Man’s Burden is Kaplan, Robert D. *The coming anarchy shattering the dreams of the post Cold War*. New York: Random House, 2000.

²³⁸ Mallaby, Sebastian, “The Reluctant Imperialist: Terrorism, Failed States, and the Case for American Empire”, *Foreign Affairs*, Vol. 81, No. 2, March/April 2002, pp. 2-7, p. 2.

Fukuyama's edited volumes, apply their more or less technocratic proposals and remedies not only to the two American military occupations in Iraq and Afghanistan but also to the many African states diagnosed with state failure²³⁹.

There are, however, major difficulties with the failed state concept and its analytic utility. Milliken and Krause claim that expectations of African state performance were unrealistic and naïve and the present dismay with the state of the African state should be seen in the light of disappointed hopes: "what has collapsed is more the vision (or dream) of the progressive, developmental state that sustained generations of academics, activists and policy-makers, than any real existing state"²⁴⁰. Likewise, Bilgin and Morton argue that by "presenting the experience of developing countries as deviations from the norm does not only reinforce commonly held assumptions about 'ideal' statehood but also inhibits reflection on the binary opposition of 'failed' versus 'successful' states"²⁴¹. This holds with added force because it is difficult to find fault with the assessment that "now in the fourth decade of African independence [...] it is somewhat naïve to think that the modern, Westphalian and Weberian state is somehow going to emerge in many parts of Africa"²⁴².

In my mind, the most damning aspect of the failed state paradigm is the fact that measuring African states against a standard of state failure does not add to our understanding of the way political authority is exercised and organized in African states. This is certainly true of theoretical models that work with a binary prism that sees and treats states as either failed/collapsed or functioning/not-failed but it also holds for more subtle versions. Rotberg, for instance, allows for the possibility that states may fail in some aspects of statehood but deliver in others; state failure therefore ought to be analysed on a continuum ranging from strong to weak to failing to collapsed states²⁴³. However, such an understanding of state failure is neither helpful nor necessary because instead of treating the continuum as a downward slope towards decay and ultimate demise, the African state can more gainfully be looked at along a continuum of different characteristics that it actually exhibits. Rather than focusing *ex negativo* on those characteristics that the state does not possess based on a comparison that "contrasts African states to a static, ahistorical definition of the state based on exclusively European values customs, practices, organisation and structures"²⁴⁴, a critical typology of the African nation-state promises to shed a much more nuanced light on the deficiencies but also the positive facets of present-day African countries.

Hence, I am now going to turn to the typology of the African nation-state – an enterprise that is among other things designed as a refutation of the failed state paradigm.

²³⁹ Dobbins, James. *The Beginner's Guide to Nation-building*. Santa Monica: RAND National Security Research Division, 2007; Fukuyama, Francis. *Nation-building: beyond Afghanistan and Iraq*. Baltimore: Johns Hopkins University Press, 2006; Fukuyama, Francis. *State-building: Governance and World Order in the 21st Century*. Ithaca, N.Y.: Cornell University Press, 2004; Hippler, Jochen (ed.) *Nation-Building: ein Schlüsselkonzept für friedliche Konfliktbearbeitung?*. Bonn: Dietz, 2004; Paris, Roland and Sisk, Timothy D. (eds.) *The dilemmas of statebuilding: confronting the contradictions of postwar peace operations*. London and New York: Routledge, 2009.

²⁴⁰ Milliken and Krause (2002), p. 762.

²⁴¹ Bilgin, Pinar and Morton, Adam David, "From 'Rogue' to 'Failed' States? The Fallacy of Short-termism", *Politics*, Vol. 24, No. 3, 2004, pp. 169-180, pp. 173-74.

²⁴² Söderbaum, Fredrik and Taylor, Ian, "State, region and space in Africa", in Engel, Ulf and Nugent, Paul (eds.) *Reshaping Africa*. Leiden: Brill, 2010, pp. 45-70, p. 47.

²⁴³ Rotberg (2004).

²⁴⁴ Hill, Jonathan, "Beyond the Other? A postcolonial critique of the failed state thesis", *African Identities*, Vol. 3, No. 2, 2005, pp. 139-154, p. 139.

4.1. Nature of the postcolonial African state: the deficient state

In the name of constructing theories or models as well as in the name of making a name for herself many an academic has handpicked or invented an attribute that serves as a prefix to the African state. In fact, the list of attributes ('swollen', 'juridical', 'neopatrimonial', 'criminal' to name but a few) is so long that the act of complaining about the multitude of adjectives has itself become a cliché of academic introductions to the study of the African state²⁴⁵. The terminological confusion is further increased when one author characterizes African states as both strong (a functioning police state) and weak (an inefficient bureaucracy)²⁴⁶ while another describes the African state as "both rational and absurd, violent and powerless"²⁴⁷. And this is before we include anthropological conceptions of the 'imagined state' where – building on Bourdieu's ideas in a *Theory of Practice*²⁴⁸ – the state is presented as a wholly constructed entity whose essence differs according to the perspective – local, national, transnational; peasant, middle class, elite – of those that speak of 'the state'²⁴⁹.

At second glance, however, the varied analytical terms no longer seem that different altogether. One thing these characterizations have in common is that they all position the African state somewhere on a downward slope from state weakness over state decay to state failure: "The record of the independent African state has been abominable. It has tolerated little freedom, grossly violated human rights, applied excessive force, encouraged ethnic and regional divisions, and redistributed wealth from the African masses to a limited domestic and international elite"²⁵⁰. As Robert Fatton Jr. observed in a strident critique, African studies in the post-war era, in spite of great ideological and intellectual rifts, did not "move beyond the talismatic concept of the 'soft' or non-institutionalized state"²⁵¹. In other words, they are theories, models, ideas of *décadence*. African states have clearly not lived up to the standards of a successful state implicitly or explicitly posited by its judges.

Reconstructing (or constructing) the African postcolonial state with theoretical tissue of different texture and colour will therefore be the task of the following sections that make up the typology. It starts in 4.1.1 with the hybrid quasi state that lacks different forms of sovereignty and has to compete with various non-state actors and then turns in 4.1.2 to the illegitimate, i.e. undemocratic and non-delivering state. Section 4.1.3 addresses the privatized neo-patrimonial state structure before 4.1.4 discusses the swollen centralized state.

²⁴⁵ e.g. "We begin with the passage 'the – African state' and then proceed to insert an adjective that fits our philosophical disposition – or tickles our academic funny bone." Dunn, Kevin C., "MadLib #32. The (Blank) African State: rethinking the sovereign state in international relations theory", in Dunn, Kevin C. and Shaw, Timothy M. (eds.) *Africa's Challenge to International Relations Theory*. Houndmills, New York: Palgrave, 2001, pp. 46-61, p. 46.

²⁴⁶ Tetzlaff and Jakobeit (2005), p. 124.

²⁴⁷ Eckert, Andreas. *Kolonialismus*. Frankfurt am Main: Fischer Taschenbuch, 2006, p. 97 [my translation].

²⁴⁸ Bourdieu, Pierre. *Outline of a theory of practice*. Cambridge: Cambridge University Press, 2006 [1977].

²⁴⁹ Gupta, Akhil, "Blurred Boundaries: The Discourse of Corruption, the Culture of Politics and the Imagined State", *American Ethnologist*, Vol. 22, No. 2, 1995, pp. 375-402, pp. 389-90, 393.

²⁵⁰ Longman, Timothy, "Rwanda: Chaos from Above", in Villalón, Leonardo Alfonso and Huxtable, Phillip A. (eds.) *The African state at a critical juncture: between disintegration and reconfiguration*. Boulder, CO: Lynne Rienner, 1998, pp. 75-91, p. 86.

²⁵¹ Fatton, Robert Jr., "The State of African Studies and Studies of the African State: The Theoretical Softness of the 'Soft State'", *Journal of Asian and African Studies*, Vol. 24, Nos. 3-4, 1989, pp. 170-187, p. 170.

4.1.1. The hybrid quasi state

The hybrid quasi state is a composite construction of two perspectives on the same aspect of statehood: provision of security and maintenance of a monopoly of violence on a state's territory by that state's government and recognition of that monopoly of legitimate use of violence by other actors both international and domestic. Whereas the idea of the quasi state focuses more on the inability of African states to exert control over territories that are nominally theirs, the notion of the hybrid state seeks to address the presence of various alternative non-state actors of violence on said territory. Yet, both point to the African postcolonial state's inability to establish effective control. The following sections 4.1.1.1 on the quasi state and 4.1.1.2 on the hybrid state are meant to highlight and substantiate the idea that the hybrid quasi state is a prevalent feature of African states after decolonization.

4.1.1.1. *The quasi state - a state in name only*

The basis of the modern state is that it is sovereign, i.e. that the state is the only legitimate authority on its own soil and recognized as such by actors within and without. However, over the last two decades the concept of state sovereignty has come under assault and much ink has been spilled on the issue as the end of the Cold War has dealt a major blow to the principle of non-interference in a state's domestic affairs. The concept of the *quasi state*, a term coined by Robert Jackson²⁵², postulates that most African states in fact rely mostly on the sovereignty granted to them by the international system. Quasi states are not apt to physically uphold the monopoly of violence against external aggression and largely lack domestic sovereignty altogether. Since African states do not fulfil the protective functions of a state, on the continent "sovereignty is an international right not of peoples but of rulers – their negative freedom from external intervention"²⁵³. African states stand at the centre of the debate over the changing nature of sovereignty as evidenced by the African Union which explicitly disavows the strict understanding of state sovereignty espoused by its predecessor, the Organization of African Unity, and endorses a "strong shift away from the principle of non-interference to the principle of non indifference"²⁵⁴.

The theoretical concept of the quasi state likewise hinges on a critique of state sovereignty as it is interpreted on the African continent. Disentangling the concept of state sovereignty, it can be said to consist of international sovereignty, Westphalian and domestic sovereignty, which, in an ideal-type state, should mutually reinforce each other²⁵⁵. Therefore, the question to be asked with regard to the African state is to what extent it possesses either of these forms of sovereignty: the ability to defend itself against external aggression and interference (international sovereignty), recognition by the international system as the sole legitimate source of violence on its territory (Westphalian sovereignty) and internal control over and the ability to reach and protect its citizens throughout its territory (domestic sovereignty).

²⁵² Jackson, Robert H. *Quasi-States: Sovereignty, International Relations and the Third World*. Cambridge: Cambridge University Press, 1996.

²⁵³ Jackson and Rosberg (1985), p. 61.

²⁵⁴ African Union. *African Union Commission Consultation with African Union Member States on Transitional Justice*. Consultation Report, Cape Town, 12-13 September 2011, p. 15.

²⁵⁵ Krasner, Stephen, "Sharing Sovereignty: New Institutions for Collapsed and Failing States", *International Security*, Vol. 29, No. 2, Autumn 2004, pp. 85-120, p. 88.

Postcolonial African states *inter alia* lacked and still lack *domestic* sovereignty, i.e. they do not have control over their territories, fail to protect their citizens and are effectively unable to defend themselves against potential attacks from the outside. The sovereignty accorded by outside actors has been identified as the primary cause for this state of affairs and the ‘original sin’ of African statehood²⁵⁶. These quasi states are states in name only, kept afloat solely by the global powers’ unwillingness to consent to their demise²⁵⁷. “They are not allowed to disappear juridically – even if for all intents and purposes they have already fallen or been pulled down in fact”²⁵⁸. As the international environment has been, for the most part, highly inimical to changes to the territorial status quo, secessions or border changes have been extremely rare since de-colonization²⁵⁹. Precolonial Africa, in contrast, had been akin to medieval Europe in possessing a state system without fiction, meaning that if you couldn’t physically control an area you laid claim to, no other member of the system would uphold your claim against a challenger capable of sustaining his claim by force²⁶⁰. A good example of the safety-net that more powerful states provide to their weaker African brethren²⁶¹ is the case of Sierra Leone where “[s]tronger state reluctance to permit disorder ensures nominal support for territorial integrity”²⁶².

In fact, a trade-off can be said to exist in postcolonial African states between the dual efforts at maintaining international and domestic sovereignty. Bangoura makes the case that the postcolonial state’s international sovereignty is compromised by the fact that the monopoly of violence does not rest with the state but with those in possession of political power and thus serves the purpose of maintaining *domestic* sovereignty to the detriment of the state’s capacity to defend itself against external threats²⁶³. Additionally, the inability to police their borders also poses a security threat to African states as not only nomadic tribes like the Tuareg or Massai but also refugees, migrant workers, smugglers and guerrilla fighters are able to ignore and cross borders largely unimpeded²⁶⁴. Given this mutual sense that one’s borders and territory cannot be properly protected from outside attack, it is not a coincidence that inter-state conflict in Africa has only very rarely resulted in direct military confrontation but has more typically taken the form of support for opposition or rebel movements in the respective country²⁶⁵. And in those few instances where inter-state wars have been fought, for instance between Tanzania and Uganda, territorial conquest has not been the aim.

²⁵⁶ Englebert, Pierre. *Africa: Unity, Sovereignty, and Sorrow*. Boulder, Co. and London: Lynne Rienner Publishers, 2009, p. 204.

²⁵⁷ Jackson and Rosberg (1982), p. 21.

²⁵⁸ Jackson, Robert H. (1996), pp. 23-24.

²⁵⁹ It is also possible to draw an inverse conclusion from the lack of secessions to the lack of democracy in Africa. Based on a model of the optimal number of nations under various circumstances, Alesina and Spolaore come to the conclusion that democratization leads to secessions and we should hence observe fewer countries in a non-democratic world than in a democratic one. Alesina, Alberto and Spolaore, Enrico. *On the Number and Size of Nations*. Cambridge, MA: National Bureau of Economic Research, Working Paper No. 5050, March 1995, p. 2.

²⁶⁰ Herbst (2000), p. 56.

²⁶¹ Sørensen (1997), p. 256.

²⁶² Reno, William, “Sierra Leone: Weak States and the New Sovereignty Game”, in Villalón, Leonardo Alfonso and Huxtable, Phillip A. (eds.) *The African state at a critical juncture: between disintegration and reconfiguration*. Boulder, CO: Lynne Rienner, 1998, pp. 93-108, p. 108.

²⁶³ Bangoura (1996), p. 42.

²⁶⁴ Anderson, Malcolm. *Frontiers: Territory and State Formation in the Modern World*. Cambridge: Polity Press, 1996, pp. 83-85.

²⁶⁵ Ayoob incisively observes that intra-state wars played largely the same key role in postcolonial African state-making that inter-state wars did in Europe. Ayoob, Mohammed, “Inequality and Theorizing in International

Another component of the quasi-stateness and the lack of sovereignty of the postcolonial African state is that these states' leaders recognize and are aware of their lack of domestic as well as genuine international sovereignty. The most common remedy sought to rectify the state's sovereignty deficit is, however, not substantive reform but exercises in public relations and make-believe. What gives credence to and substantiates the claim to stateness in the absence of substantial facets of statehood are performative acts of statehood. Inventing and celebrating ceremonies, rituals and other public spectacles are all part of shaping the state's image²⁶⁶. "Military parades, custom checks, tax collections, national press conferences are examples of actions – or performativity – that help reify 'stateness'. States that are able to perform these everyday attributes of stateness are considered solid, strong, substantial states"²⁶⁷. However, such ceremonies and performative acts can also backfire. On the 50th anniversary of Benin's independence from France, a power cut interrupted the official parade, which triggered widespread ridicule on the streets and in the press²⁶⁸.

As states and regimes rely on a continued interpretation of sovereignty in their favour, i.e. a continued ascription of statehood, states have learned to simulate sovereignty for the sake of survival²⁶⁹. As shown above, the failed state discourse has become so influential as to directly impact actions by governments both in the West and in Africa. African leaders therefore ascribe great importance to fulfilling the functions deemed characteristic of a 'proper' state by the dominant discourse and, if they are unable to, take to a 'politics of pretending': "the model of the modern state, though being far from an actual description of how these states really are, still profoundly shapes them, both because their formal institutions are based on this model and because they must strive to emulate this model (or at least pretend to do so)"²⁷⁰.

The overall lack of substantive physical control over state territory is compounded and made apparent by the presence of alternative actors and sources of violence and – in some rare cases – alternative actors and sources of security.

4.1.1.2. *The hybrid state: informal non-state actors, non-state spaces*

In the African setting, the hybridity of the state in many areas of life – both territorially and thematically – is a phenomenon of postcolonial statehood because "a greater proportion of Africans are now experiencing political life with no minimally viable state presence"²⁷¹. Thus, it is crucial to look at the realities of power-relations and to discern the actual places where authority is being exercised as well as who is exercising it over whom. The characteristic hybridity of African states consists in the typically large and diverse group of informal actors of violence that exist alongside the

Relations: The Case for Subaltern Realism", *International Studies Review*, Vol. 4, No. 3, Autumn 2002, pp. 27-48, pp. 43-44.

²⁶⁶ Migdal, Joel S. and Schlichte, Klaus, "Rethinking the State", in Schlichte, Klaus (ed.) *The dynamics of states: the formation and crises of state domination*. Aldershot: Ashgate, 2005, pp. 1-40, p. 23.

²⁶⁷ Dunn (2001), p. 58.

²⁶⁸ Mauer, Maximilian. *Das Cinquantenaire in Benin: Konflikte und Risiken eines politischen Rituals*. Working Paper No. 144, Department of Anthropology and African Studies, Johannes Gutenberg University Mainz, 2014, pp. 89-104.

²⁶⁹ Weber, Cynthia. *Simulating Sovereignty. Intervention, the State and Symbolic Exchange*. New York: Cambridge University Press, 1994.

²⁷⁰ Eriksen, Stein Sundstøl (2010), p. 34.

²⁷¹ Forrest, Joshua Bernard, "State Inversion and Nonstate Politics", in Villalón, Leonardo Alfonso and Huxtable, Phillip A. (eds.) *The African state at a critical juncture: between disintegration and reconfiguration*. Boulder, CO: Lynne Rienner, 1998, pp. 45-56, p. 45.

formal state²⁷². On a territorial level, state power and state authority vary according to location. Relatively privileged areas where the state is present are connected by corridors of very limited state presence where a kaleidoscope of actors, institutions and jurisdictions vie for control: armed gangs, local communities, irregular soldiers, militias, paramilitary forces²⁷³.

Due to the weakness of post-independence states, 'deterritorialisation' is taking place in contemporary Africa as "authority in Africa is increasingly exercised beyond the state"²⁷⁴. Thus, state organs compete with traditional institutions (sometimes strengthened by official recognition) and new institutions and actors for influence among citizens²⁷⁵. Moving beyond the purely domestic horizon, international actors also play a part in filling the void left by the state. In some countries like Côte d'Ivoire, the government relies on foreign mercenaries instead of the army to fight insurgents²⁷⁶. Donors increasingly tie aid to a commitment to good governance and the Millennium Development Goals, and foreign investors impact events on the ground as African economies, for good and bad, are no longer insulated from the global economy²⁷⁷. In addition to civil society groups and private security companies, the United Nations, the EU, international organizations and international NGOs interfere with and circumscribe government power to the point that the established view of the state's spatiality as being both above society and encompassing all its localities is no longer tenable²⁷⁸.

Another way to analyze the state's retreat or invisibility is in its rapport with society. Thus, Migdal's 'state-in-society' approach recognizes that the state in Africa only represents one amongst many forces that struggle to maintain a monopoly over the legitimate use of force²⁷⁹. Arguably, this conception of state and society does not accurately represent African countries because positing the two, state and society, as separate entities is empirically untenable²⁸⁰. "The state is in fact so poorly institutionalized, so weakly emancipated from society, that there is very little scope for conceptualizing politics in Africa as a contest between a functionally strong state and a homogenously coherent civil society"²⁸¹. As a result, relations between state and society are characterized by a high degree of informality and a concomitant lack of institutionalized forms of

²⁷² Dunn (2001).

²⁷³ Comaroff, Jean and Comaroff, John L., "Law and disorder in the postcolony: an introduction", in Comaroff, Jean and Comaroff, John L. (eds.) *Law and Disorder in the Postcolony*. Chicago: University of Chicago Press, 2006, pp. 1-56, p. 9.

²⁷⁴ Engel, Ulf and Olsen, Gorm Rye. *Authority, sovereignty and Africa's changing regimes of territorialisation*. Leipzig: Working Paper Series of the Graduate Centre Humanities and Social Sciences of the Research Academy Leipzig, No. 7, 2010, p. 3.

²⁷⁵ Lund, Christian, "Twilight institutions: public authority and local politics in Africa", *Development and Change*, Vol. 37, No. 4, 2006, pp. 685-705.

²⁷⁶ Banégas, Richard, "Génération 'guerriers'? Violence et subjectivation politique des jeunes miliciens en Côte d'Ivoire", in Duclos, Nathalie (ed.) *L'Adieu aux armes? Trajectoires d'anciens combattants*. Paris: Karthala, 2010, pp. 359-397, p. 361.

²⁷⁷ Hyden, Göran, "Introduction: The African State in a Changing Global Context", in Tarrósy, István; Szabó, Loránd and Hyden, Göran (eds.) *The African state in a changing global context: breakdowns and transformations*. Münster: LIT Verlag, 2011, pp. 7-15.

²⁷⁸ Ferguson, James and Gupta, Akhil, "Spatializing states: toward an ethnography of neoliberal governmentality", *American Ethnologist*, Vol. 29, No. 4, 2002, pp. 981-1002.

²⁷⁹ Migdal, Joel S. *State in society. Studying how states and societies transform and constitute one another*. Cambridge: Cambridge University Press, 2001.

²⁸⁰ Söderbaum and Taylor (2010), p. 46.

²⁸¹ Chabal, Patrick and Daloz, Jean-Pascal. *Africa works: disorder as political instrument*. Oxford: Currey, 1999, p. 21.

engaging with citizens or the state. Informality is the pervasive trait of African states not because of the institutional make-up but because social formations themselves are highly fluid and prone to change²⁸². Hence, in order to understand and fully grasp the working of politics in African countries one has to look beyond the classical *loci* of state and civil society “towards socio-political groups based on ethnicity, religion, generation, and gender”²⁸³.

One explanation for the state’s aloofness can be found in the disconnection between urban and rural. While there was urban bias right from the beginning as anti-colonial movements were largely urban, the budgetary crisis of the 1970s magnified the issue, with the state no longer able to project power over territory nominally under its control²⁸⁴. Thus, to borrow and transpose Frederick Jackson Turner’s concept of the frontier from the United States to Africa, contemporary African states contain *inner frontiers* where various actors and various norms and systems of authority compete and interact in an uneasy equilibrium. Much like in the 19th century United States, this African frontier is populated by gangs of young men that use violence or the threat of violence to get by while clouding their greed in the semi-respectable language of particularist claims²⁸⁵.

What is important to note, however, is that the existence of competing authorities has not meant a full-fledged retreat of the state, let alone its descent into complete irrelevance. Non-state actors cooperate with the state and in some cases operate within and through its institutions²⁸⁶. Apart from being the main channel of international and transnational activities, the state’s competition with other actors, for example smugglers and drug cartels in the field of customs controls, can lead to the institutionalization and legitimization of new alternative forms of authority²⁸⁷. Hence, what can be observed are the evolution of new forms of governance that reconfigure the state’s territoriality in ways often unforeseen by both state and non-state actors involved²⁸⁸.

It is this form of mutual interaction and dependence between the state and informal actors for which Hagmann and Péclard propose the idea of a “negotiated state” to capture the evolving and dynamic nature of political authority in a number of African states²⁸⁹ – although the extent of negotiability is constrained by international norms of statehood as relates to, for instance, international borders²⁹⁰. An example of such negotiated statehood can, for instance, be found in the Eastern DRC (Democratic

²⁸² Ibid, p. 54.

²⁸³ Kelsall (2005), p. 53.

²⁸⁴ Herbst (2000), p. 19.

²⁸⁵ Kaldor, Mary. *Neue und alte Kriege: Organisierte Gewalt im Zeitalter der Globalisierung*. Frankfurt am Main: Suhrkamp, 2000, p. 133.

²⁸⁶ Arnault, Karel and Højbjerg, Christian Kordt, “Gouvernance et ethnographie en temps de crise: de l’étude des ordres émergents dans l’Afrique entre guerre et paix”, *Politique Africaine*, No. 111, October 2008, pp. 5-21, p. 20.

²⁸⁷ Raeymaekers, Timothy; Menkhaus, Ken and Vlassenroot, Koen, “State and non-state regulation in African protracted crises: governance without government?”, *Afrika Focus*, Vol. 21, No. 2, 2008, pp. 7-21, p. 12.

²⁸⁸ Engel and Mehler (2005), p. 100.

²⁸⁹ Hagmann, Tobias and Péclard, Didier, “Negotiating Statehood: Dynamics of Power and Domination in Africa”, *Development and Change*, Vol. 41, No. 4, 2010, pp. 539–562.

²⁹⁰ Doornbos, Martin, “Researching African Statehood Dynamics: Negotiability and its Limits”, *Development and Change*, Vol. 41, No. 4, 2010, pp. 747-769, p. 766.

Republic of Congo) where the state depends on local forces to exert influence while these local forces in turn require the state's blessing and stamp of approval to continue to wield power²⁹¹.

In post-colonial African states, a paradoxical symbiosis has thus come to characterize the relationship between leaders and local strongmen: "while the strongmen have become ever more dependent on state resources to shore up their social control, state leaders have become dependent on strongmen, who employ those resources in a manner inimical to state rules and laws"²⁹². In some cases like Kenya, Rwanda or Zimbabwe, it is the state itself that creates non-state militias as cheap and potentially expendable forces as an "intentional government response to increased external conditionalities on foreign aid and to domestic threats accompanying democratization"²⁹³.

Whereas some voices call on the international community to include these informal alternative actors in the calculations of their external statebuilding agendas²⁹⁴, it is important to caution against the idea that hybrid political regimes could be the panacea to the ills affecting the African state because constellations of hybridity might effectively turn out to be nothing other than neo-patrimonial relations of power²⁹⁵. This warning applies with particular stringency to modern rebel movements, the most drastic kind of non-state actor. Charles Taylor's National Patriotic Front of Liberia, which operated as a military-economic force in Liberia, Sierra Leone and Côte d'Ivoire in the 1990s and early 2000s, was typical in so far as in the process of trying to seize control of the judicial state, it actually created its own state within the state. Yet, because "Taylor as well as other African rebel leaders had no other scheme than to reproduce the idea of the state", this new rebel state strongly resembled the existing state²⁹⁶.

4.1.1.3. *The hybrid quasi state – a summary*

The domestic monopoly of violence is clearly not the norm in Africa where civil wars far outnumber inter-state conflicts and where it is much more typical to find an 'oligopoly of violence' with power shared among different authorities²⁹⁷. States do not have control over all or most of their territories, including international borders that are often easily crossed by people, goods and weapons alike. What we are seeing today, much like in colonial times, are concentric circles of sovereignty, radiating out from the capital and decreasing in strength the further away one gets²⁹⁸. Alternative actors fill

²⁹¹ The author prefers the term "mediated state", which amounts to much the same as the concept of the negotiated state. Vlassenroot, Koen, "Négocié et contesté l'ordre public dans l'Est de la République démocratique du Congo", *Politique Africaine*, Vol. 111, Oct. 2008, pp. 44-67.

²⁹² Migdal, Joel S. *Strong societies and Weak States*. Princeton: Princeton University Press, 1988, p. 141.

²⁹³ Roessler, Philip G., "Donor-Induced Democratization and the Privatization of State Violence in Kenya and Rwanda", *Comparative Politics*, Vol. 37, No. 2, 2005, pp. 207-227, p. 223

²⁹⁴ Moe, Louise Wiuff. *Addressing state fragility in Africa. A need to challenge the established 'wisdom'?*. Helsinki: Finnish Institute of International Affairs, Report No. 22, 2010, p. 25.

²⁹⁵ Mehler, Andreas, "Hybrid Regimes and Oligopolies of Violence in Africa: Expectations on Security Provision 'From Below'", in Fischer, Martina and Schmelzle, Beatrix (eds.) *Building Peace in the Absence of States: Challenging the Discourse on State Failure*. Berlin: Berghof Handbook Dialogue Series, No. 8, 2009, pp. 57-65, p. 63.

²⁹⁶ Prkic, François, "The Phoenix State: War Economy and State Formation in Liberia", in Schlichte, Klaus (ed.) *The dynamics of states: the formation and crises of state domination*. Aldershot: Ashgate, 2005, pp. 115-136, p. 132.

²⁹⁷ Debiel, Tobias; Klingebiel, Stephan; Mehler, Andreas and Schneckener, Ulrich. *Between Ignorance and Intervention - Strategies and Dilemmas of External Actors in Fragile States*. Bonn: Stiftung Entwicklung und Frieden, Policy Paper No. 23, January 2005, p. 6.

²⁹⁸ Herbst (2000), p. 49.

the space left void and coexist with the formal state in an uneasy oscillation between confrontation and cooperation. This is especially true for rural areas where the state and other actors coexist along a kind of internal frontier of governmental reach. Yet, these non-state actors, be they domestic militias or international organizations and businesses, are rarely more benign than the absent state and certainly lack the legitimacy to act as they do – the focus of the subsequent aspect of African statehood.

4.1.2. The illegitimate state

The concept of the illegitimate state partly overlaps but expands upon the concept of the hybrid quasi-state and is equally a composite of two concepts: the non-performing state and the undemocratic state. State institutions not only fail to provide security, they fail to deliver much of anything to the state's citizens – provided they even physically exist outside of the official government organogram. As a consequence, the state is not legitimized to rule if it does not deliver anything in return. At the same time, the state government is not accountable to its citizens and democracy, where it exists, is but a name. Accordingly, the first subsection will focus on the non-performing state and the second on the undemocratic, unaccountable state, both of whom combine to mark the African state's lack of legitimacy.

4.1.2.1. *The non-performing state: a state without institutions*

It is not only changing norms of international sovereignty that have altered states' scope of action. Globalization has not only intensified relations between distant places and peoples, it is also widely held to have contributed to a retreat of the state from its position as the most important actor in society²⁹⁹. For African states in particular, however, the lack of institutionalization and service delivery by the state can be taken as a colonial heritage. European states generally established something approaching territorial hegemony, i.e. a monopoly of force, between 1900 and the end of World War I, yet left the provision of education, health care and other services largely to locals and missionaries³⁰⁰. Effectively, government penetration remained weak in the states of colonial Africa³⁰¹.

Furthermore, as post-colonial regimes received international sovereignty without much of a struggle, including a de facto guarantee that their states would persist for eternity, the new governing elites did not need to strive to gain acceptance among the wider populace³⁰². Postcolonial governments continued in the colonial tradition of focusing their energies on controlling the capital and otherwise enacting minimum levels of governance to avoid costs, with government presence decreasing proportional to the distance from the capital³⁰³. This lack of a visible and tangible presence, the failure to develop and improve people's material situation along with the state's fondness for coercion and repression are part of a phenomenon affecting many African countries: "The state in Africa is plagued by a crisis of legitimacy"³⁰⁴. While enjoying official recognition on the level of

²⁹⁹ Scholte, Jan Aart. *Globalization: A Critical Introduction*. Basingstoke: Macmillan, 2000.

³⁰⁰ Reid (2009), pp. 145-47.

³⁰¹ Kieh (2007), p. 3.

³⁰² Tetzlaff, Rainer, "Staat und Gesellschaft in Afrika: ein prekäres Verhältnis im Wandel", in Schulz, Manfred (ed.) *Entwicklung: die Perspektive der Entwicklungssoziologie*. Opladen: Westdeutscher Verlag, 1997, pp. 127-152, p. 131.

³⁰³ Herbst (2000), p. 111.

³⁰⁴ Ake, Claude, "The State in Contemporary Africa", in Ake, Claude (ed.) *Political Economy of Nigeria*. London: Longman, 1985, pp. 1-8, p. 2.

international society, the African state cannot fulfil the statehood criterion of possessing a monopoly of legitimate violence not only because of its lack of positive sovereignty (as highlighted above) but because the basis of its political power is illegitimate and – in some cases – even illegal³⁰⁵.

The colonial experience and in particular the experience of late colonial policies of introducing a semblance of a modern welfare state have had a major impact on the state's struggles for legitimacy³⁰⁶. Both the experience of the colonial state and nationalist agitation against it had left many Africans disenchanted not only with the colonial state but with the state as such and "[p]ostcolonial politicians therefore had to reintegrate the state with the society and make the postcolonial state acceptable to the people"³⁰⁷. In order to win back citizens, the state was portrayed as an infinite treasure chest shelling out benefits to the people while pushing off repayment into the seemingly remote future and thereby paving the way for the debt crisis that would befall many countries by the 1980s³⁰⁸.

However, only a specific subsection of society actually benefitted from the African 'welfare state'. Far from establishing legitimacy among the population at large, the spend-thrift attitudes of postcolonial governments contributed to widening the ravine separating town and country. African politicians traditionally equated political survival with appeasing the urban population by means of subsidies while the much larger and poorer rural population had to shoulder the main burden of taxation³⁰⁹. As such, the frequent choice of taxing the countryside to appease the city is part of the increasing domination of government and the state by growing urban elites and urban concerns to the neglect and exclusion of the rural majority³¹⁰. In many African languages, in fact, the terms for *state* and *town* are very closely intertwined (e.g. in the West African languages Yoruba and Ga) as statemaking was a function of and conditional upon urbanization³¹¹.

Yet, many Africans perceive the state as an oppressive entity, which "is not in a position to generate an affinity with the people because it does not work for the interest of the people. In response the people of Africa have learnt to treat the state with disdain"³¹². Large parts of the citizenry withdraw into private life and retreat from the abusive state that does not furnish the individual citizen with rights but is primarily busying itself with enforcing submission to its rule³¹³; hence, "for most Africans the state continues to have little meaning, as many people continue to operate outside of the ambit

³⁰⁵ Bangoura (1996), p. 40.

³⁰⁶ In 1957, Alexandre Kojève pointed out that since the end of World War II, France and Britain each "invests five to six times more in its colonies and former colonies than these colonies and ex-colonies supply in surplus value". Kojève, Alexandre, "Colonialism from a European Perspective" (edited and translated by Erik de Vries), *Interpretation*, Vol. 29. No. 1, 2001, pp. 115-130, p. 122.

³⁰⁷ Ayoade (1988), p. 104.

³⁰⁸ Ibid, pp. 100-104.

³⁰⁹ Bates, Robert H. *Markets and states in tropical Africa: the political basis of agricultural policies*. Berkeley: University of California Press, 2005, p. 33.

³¹⁰ Davidson (1992), p. 191.

³¹¹ Fourchard, Laurent, "Between World History and State Formation: New Perspectives on Africa's Cities", *The Journal of African History*, Vol. 52, No. 2, July 2011, pp. 223-248, p. 242.

³¹² Olaitan, Wale Are, "Towards a Functional African State: Bridging the Gap Between the State and the People", *African Journal of International Affairs*, Vol. 9, Nos. 1&2, 2006, pp. 61-74, p. 64.

³¹³ Mbembe (2001), p. 66.

of its clutches”³¹⁴. The state on the one hand concentrates its energies on extracting resources and intimidating and silencing (potential) opposition while striking deals with self-serving interests; on the other hand, the state is neither able to supply the population with basic necessities like hospitals or schools, nor to provide safety of life or property³¹⁵. The lack of economic development³¹⁶ in most African states is moreover not only a source of popular dissatisfaction, it has been identified as *the* determinant factor most likely to lead to outbreaks of large-scale violence³¹⁷.

Ihonvbere argues that because many citizens – in particular those not benefitting from the state’s exploitative measures – feel little to no solidarity with the state, the African state becomes irrelevant to people’s lives whereas for those at the heart of the state, survival becomes the preeminent if not exclusive preoccupation³¹⁸. Weak leaders threatened with domestic challenges do not hesitate to intentionally cripple the arms of the state so as to avoid challengers to their rule from employing state resources against them³¹⁹. Such behaviour is especially to be found in states with little public revenue, low income-levels, and those where incumbent rulers are facing political challengers³²⁰. The pursuit of regime stability and regime security thus undermines the pursuit of legitimacy through the promotion of economic development.

This so-called politics of survival has the perverse effect that “keeping state leaders afloat may paradoxically have involved the systemic weakening of the state’s agencies, a kind of deinstitutionalization”³²¹. The lack of institutions, as Callaghy shows for Zaïre (the present-day Democratic Republic of the Congo), is in turn a driving force of crisis in the state and beyond³²². While the degree of institutional decay in the DRC may be exceptional, Chazan is right in arguing that “it is not usually the lack of institutionalization, but poor institutionalization, which is significant”³²³. Institutions, even where they exist, suffer from flawed institutional design, lack of oversight, few capable and dedicated staff and the absence of binding and widely internalized institutional norms of conduct.

A caveat is nonetheless in order. The wide-spread non-functioning of state organs is by no means tantamount to violent anarchy. And based on the case study of Mozambique’s capital Maputo,

³¹⁴ Zack-Williams, Alfred B., “Africa and the Project of Modernity: Some Reflections”, in Uduku, Ola and Zack-Williams, Alfred B. (eds.) *Africa Beyond the Post-Colonial: Political and Socio-Cultural Identities*. Aldershot: Ashgate, 2004, pp. 20-38, p. 29.

³¹⁵ Ihonvbere, Julius O. *Africa and the New World Order*. New York: Peter Lang Publishing, 2000, p. 62.

³¹⁶ In the World Bank’s definition, economic development is “[q]ualitative change and restructuring in a country’s economy in connection with technological and social progress”, measured primarily by a growth in the gross national product per capita. Soubbotina, Tatyana P. *Economic Growth: An Introduction to Sustainable Development*. 2nd edition. Washington, D.C.: The World Bank, 2004, p. 133.

³¹⁷ Collier, Paul; Elliott, Lani; Hegre, Håvard; Hoeffler, Anke; Reynal-Querol, Marta and Sambanis, Nicholas. *Breaking the Conflict Trap: Civil War and Development Policy*. Washington, DC: World Bank and Oxford University Press, 2003, p. 53.

³¹⁸ Ihonvbere (2000), p. 65.

³¹⁹ Migdal (1988), p. 208.

³²⁰ Bates, Robert H. “Political conflict and state failure”, in Ndulu, Benno J.; O’Connell, Stephen A.; Bates, Robert H.; Collier, Paul and Soludo, Chukwuma C. (eds.) *The political economy of economic growth in Africa, 1960 – 2000*. Cambridge: Cambridge University Press, 2008, pp. 249-296, p. 279.

³²¹ Migdal (1988), p. 226.

³²² Callaghy, Thomas. *The state-society struggle: Zaire in comparative perspective*. New York: Columbia University Press, 1984, pp. 38-39.

³²³ Chazan, Naomi. *An Anatomy of Ghanaian Politics: Managing Political Recession*. Boulder, CO: Westview Press, 1982, p. 11.

Morten Nielsen shows that the idea of the state can survive and persist in people's minds regardless of the actual presence of the state:

We cannot a priori determine that incoherent and partial state practices necessarily lead individuals to perceive the state as devoid of legitimate moral value. [...] Ideas of the state can thus be a basis for social action; even when the reality of state dysfunction is widely accepted, 'ordinary people' continue to invest themselves in these ideas.³²⁴

While the presence and performance of state institutions is in many places decisive for its acceptance and recognition by the public, in others the African state has reached the higher plane as an immaterial existence in people's imagination removed from empirical evidence of its functionality.

4.1.2.2. *The undemocratic state: a state without society*

Most of the African states gained independence at the height of the Cold War and various forms of autocratic and non-democratic forms of government have predominated on the continent throughout the postcolonial period (and been tolerated by their international sponsors of different ideological persuasions). In this context, some responsibility has to be put not only on superpower competition but on the original colonizers. Even though in the process of extracting themselves from the colonies they sought to install democratic constitutions based on European models (for example Britain's bicameral parliamentary system or French presidentialism), the uninterrupted continuation of commercial relations was of paramount concern and led France and Britain in particular to acquiesce to many countries' descent into authoritarianism, one-party-rule and dictatorship³²⁵. In fact, this colonial legacy of centralized and autocratic rule has been branded *the* impediment to democratization in Africa³²⁶.

The debate about the illegitimate nature of the African state gained steam and lustre with what Huntington termed the 'Third Wave of Democratization', renewed experiments with pluralist elections that started in Latin America in the 1980s and snowballed on the heels of the global demise of Soviet-style Socialist regimes at the beginning of the 1990s³²⁷. This wave has had a very mixed record in most African states. First of all, democratization did not touch each and every African country and even in those where multi-party elections were introduced and progress on the political front was observable, democratization beyond the ballot box, i.e. in the field of administration, economic governance, civil society participation and social equality often proceeded on rather uneven paths³²⁸.

In a paradoxical way, the political opening in the 1990s while by no means erasing widespread public cynicism about state predation created new demands that states were ill equipped to meet. Feeble governments were challenged by the emergence of discourses of human rights linked to a reawakened imagining of the state as a "representation of the *volonté générale* producing citizens as well as subjects, as a source of social order and stability, and as an agency capable of creating a

³²⁴ Nielsen, Morten, "Filling in the Blanks: The Potency of Fragmented Imageries of the State", *Review of African Political Economy*, Vol. 34, No. 114, 2007, pp. 695–708, p. 695.

³²⁵ Ansprenger, Franz. *Politische Geschichte Afrikas im 20. Jahrhundert*. München: Beck, 1999, p. 131.

³²⁶ Gellar (2005), p. 172.

³²⁷ Huntington, Samuel P. *The third wave of democratization in the late twentieth century*. Norman: University of Oklahoma Press, 1991.

³²⁸ McFerson, Hazel, "Developments in African Governance since the Cold War: Beyond Cassandra and Pollyanna", *African Studies Review*, Vol. 53, No. 2, September 2010, pp. 49-76.

definite and authorized nation-space materialized in boundaries, infrastructure, monuments and authoritative institutions”³²⁹.

At the same time, democratization combined with the state’s forced retreat from the economy as a result of debt-crisis and IMF-imposed budgetary austerity, has meant that African states today actually have *less* power to act for the betterment of the state’s and its citizens’ socio-economic situation³³⁰. Thus, newly elected African governments of the democratic era are facing the dilemma of having to placate two irreconcilable constituencies: (1) external donors and creditors, and (2) their poverty-stricken domestic majorities³³¹. The inability to please both constituencies is vital to an assessment of democratization efforts on the continent because the intention to build or rebuild the state structure and state institutions was very much at the heart of the drive to install democracies in Africa and seen as a condition for the lasting success and longevity of democratic systems³³².

In some corners, however, democratization was perceived and criticized as the export of capitalist, (neo)liberal, democratic state institutions from the West to the continent³³³. Especially in weaker aid-dependent countries like Malawi, foreign donors did indeed have sway in tipping the balance towards an opening of the political system³³⁴ but there are limits on foreign powers’ ability to steer states towards more thorough democratization efforts. External pressure was able to force elections in Zambia in 1991 but subsequent violations of democratic norms in Zambian politics did not trigger a punitive response from abroad³³⁵.

Therefore, another line of critique of the democratization experience is that for the vast majority of the African population nothing much has changed at all. After the supposedly sweeping changes of the 1990s, states are, according to Hounnikpo’s perspective, still headed and run by the same incompetent, self-serving, greedy and predatory politico-bureaucratic elites at the helm, ruling and mismanaging the country in a form of pseudo-democracy that he calls *démocrature*³³⁶. “African rulers today avoid denying democracy outright, and instead seek to outflank it by expanding their personal powers at the expense of institutions that might constrain them”³³⁷. Francis Deng therefore held that “indigenous societies were more democratic than most modern states in Africa”³³⁸. Most of Central

³²⁹ Hansen, Thomas Blom and Stepputat, Finn, “Introduction: States of Imagination”, in Hansen, Thomas Blom and Stepputat, Finn (eds.) *States of Imagination: Ethnographic explorations of the postcolonial state*. Durham, NC: Duke University Press, 2001, pp. 1-38, p. 2.

³³⁰ Suttner, Raymond, “Introduction”, in Suttner, Raymond (ed.) *Africa in the New Millennium*. Uppsala: Nordiska Afrikainstitutet, Discussion Paper No. 13, 2001, pp. 5-11, p. 7.

³³¹ Abrahamsen, Rita. *Disciplining democracy: development discourse and good governance in Africa*. London: Zed Books, 2000, p. 99. The same critique is currently being launched against the austerity measures imposed by EU and IMF on debt-stricken countries of the Eurozone like Greece, whose mantra of inevitability substantially undermines both national sovereignty and democratic legitimacy.

³³² Olukoshi, Adebayo, “State, Conflict, and Democracy in Africa: The Complex Process of Renewal”, in Joseph, Richard (ed.) *State, Conflict, and Democracy in Africa*. Boulder: Lynne Rienner, 1999, pp. 451-465, p. 460.

³³³ See for instance Tar, Usman A. *The politics of neoliberal democracy in Africa: state and civil society in Nigeria*. London: I.B. Tauris, 2009, p. 211.

³³⁴ Emmanuel, Nikolas G., “Democratization in Malawi: Responding to International and Domestic Pressures”, *Journal of Asian and African Studies*, Vol. 12, No. 4, 2013, pp. 415-434.

³³⁵ Levitsky, Steven and Way, Lucan A., “Linkage versus Leverage. Rethinking the International Dimension of Regime Change”, *Comparative Politics*, Vol. 38, No. 4, 2006, pp. 379-400, pp. 393-394.

³³⁶ Hounnikpo, Mathurin C. *L’Illusion démocratique en Afrique*, Paris: Éditions l’Harmattan, 2004, pp. 44-45.

³³⁷ Joseph (2008), p. 102.

³³⁸ Deng, Francis M., “Human rights, universalism and democracy”, in Twining, William (ed.) *Human Rights, Southern Voices*. Cambridge: Cambridge University Press, 2009, pp. 30-43, p. 36.

Africa, on the other hand, has not even experienced genuine democratization on the electoral front where incumbents continue to exploit their in-built advantages by sidelining the opposition and resorting to any means necessary, including electoral fraud, to ensure 're-election'³³⁹.

A special case in terms of democratization are those countries mostly in Southern Africa that did not attain independence in a peaceful transition but had to fight drawn-out wars of liberation. As post-liberation regimes in Eritrea, Zimbabwe or Namibia have given their blood for the state's liberation, they tend to feel a sense of entitlement to rule and hence show extreme reluctance to share or relinquish power³⁴⁰. The experiences of armed struggle carry over into peacetime and help shape the outlook of officers-turned-politicians on how to govern the country they set out to liberate: "the forms of resistance against totalitarian regimes were themselves organized on strictly hierarchical and authoritarian lines [... and] the new societies carried within them the essential elements of the old system against which they had fought"³⁴¹. But even in those countries where it was deemed to have been successful, the outcome of democratization could be considered, in Claude Ake's words, 'democratization of disempowerment', meaning that in African democracies, elites merely alternate in taking advantage of the majority that remains just as disaffected as under one-party rule³⁴².

Furthermore, establishing nominal democratic rules of the game is not necessarily tantamount to getting the political class to abide by these rules. Although some see evidence of stronger rule-based and formal-legal constraints on African leaders' freedom to act as they please³⁴³, oftentimes, incumbents that have lost or are in danger of losing at the ballot box will refuse to concede defeat and linger on in their positions³⁴⁴. "The notion that constitutional norms and principles are binding on political leaders is still very much in doubt"³⁴⁵. That is very visible in democratically elected governments' relations with the press, which is often either cowed or voluntarily submits to a regime of limited self-censorship³⁴⁶. Judicial systems are also often subservient to the political leadership of the day³⁴⁷, although there are exceptions of more assertive judiciaries for example in Zambia and Malawi³⁴⁸ but also in Benin where the constitutional court has repeatedly asserted itself vis-à-vis

³³⁹ Herberg, Mirko. *Wahlen – wozu eigentlich? Die Fassadendemokratien Zentralafrikas zwischen Regression, Stagnation und zaghaftem Aufblühen*. Berlin: Friedrich-Ebert-Stiftung, March 2012.

³⁴⁰ Dorman, Sara Rich, "Post-Liberation Politics in Africa: Examining the Political Legacy of Struggle", *Third World Quarterly*, Vol. 27, No. 6, 2006, pp. 1085-1101, p. 1095.

³⁴¹ Melber, Henning, "Limits to liberation", in Melber, Henning (ed.) *Re-Examining Liberation in Namibia: political culture since independence*. Uppsala: Nordiska Afrikainstitutet, 2003, pp. 9-24, p. 12.

³⁴² Schraeder, Peter J., "Understanding the 'Third Wave' of Democratization in Africa", *The Journal of Politics*, Vol. 57, No. 4, November 1995, pp. 1160-1168, p. 1161.

³⁴³ Posner, Daniel N. and Young, Daniel J., "The Institutionalization of Political Power in Africa", *Journal of Democracy*, Vol. 18, No. 3, July 2007, pp. 126-140, p. 137.

³⁴⁴ Nzongola-Ntalaja (2001), p. 15.

³⁴⁵ Hyden (2006), p. 111. For an earlier version of this argument see Oyelaran, Olasope O. and Adediran, Michael O., "Colonialism, Citizenship and Fractured National Identity: The African Case", in Oommen, T.K. (ed.) *Citizenship and national identity: from colonialism to globalism*. New Delhi et al.: Sage Publications, 1997, pp. 173-197.

³⁴⁶ Tettey, Wisdom J., "The media and democratization in Africa: contributions, constraints and concerns of the private press", *Media, Culture & Society*, Vol. 23, No. 1, 2001, pp. 5-31.

³⁴⁷ Widner, Jennifer A. *Building the Rule of Law: Francis Nyalali and the Road to Judicial Independence in Africa*. London: Norton & Company, 2001.

³⁴⁸ Vondoepp, Peter, "The Problem of Judicial Control in Africa's Neopatrimonial Democracies: Malawi and Zambia", *Political Science Quarterly*, Vol. 120, No. 2, Summer 2005, pp. 275-301.

parliament and president³⁴⁹. Another potential game-changer is the spread of mobile phones which can be used, as in Nigeria's elections, to collect and collate observations from polling stations to local and international observers³⁵⁰.

As to the likelihood of violence erupting as a direct consequence of democratic competition, the evidence for Africa is scattered and uneven. While on the one hand, there is a global link between increased electoral competition and rising levels of violence³⁵¹ that also holds in Africa – examples would be Congo-Brazzaville's democratization process under Sassou-Nguesso and post-election violence in Burundi and Lesotho³⁵² – the opening of non-military venues to power combined with scarcer resources after the end of the Cold War have meant that opposition movements are less likely to take to the bush and pursue large-scale rebel wars³⁵³.

4.1.2.3. *The illegitimate state – a summary*

In postcolonial Africa, the lack of legitimacy is a widespread and persistent feature of African states. The lack of legitimacy is embodied by the lack of benefits and services the state delivers to its citizens in exchange for the right to exact obedience and taxes from them. Those public institutions that do exist in, for example, health care and education are either prohibitively expensive or of low quality. Characteristic is the lack of state presence in the countryside where citizens have very little contact with any arms of the state. Moreover, many governments, even when democratically elected, are not accountable to the electorate and along with the rest of the state structure and bureaucracy do not abide by a liberal democratic ethos. The *rhetoric* of freedom, human rights and democracy is nonetheless widely present, both to placate domestic audiences and international partners or donors. Instead of concentrating on development, all energies are devoted to staying in power, to the politics of survival. All the while, the state is treated as a treasure chest for those at the helms of power and their kin, something that will be the subject of the next section.

4.1.3. The privatized neopatrimonial state

The privatized neopatrimonial state is, in my definition of the typified African state, also a composite of several facets: officeholders and members of the state's ruling elite take advantage of their positions for personal gain (rather than common good) and as means to bolster and maintain their hold onto power. The first part on the privatized, corrupted and criminalized state will point to the frequent instances of outright theft and enrichment, often in connection to resource wealth, for the sole purpose of personal enrichment. The second part on the neopatrimonial state is going to describe more closely those cases when state goods are privatized for the sake of placating a client

³⁴⁹ Magnusson, Bruce A. and Clark, John F., "Understanding Democratic Survival and Democratic Failure in Africa: Insights from Divergent Democratic Experiments in Benin and Congo (Brazzaville)", *Comparative Studies in Society and History*, Vol. 47, No. 3, 2005, pp. 552-582, p. 566.

³⁵⁰ Etzo, Sebastiania and Collender, Guy, "The Mobile Phone 'Revolution' in Africa: Rhetoric or Reality?", *African Affairs*, Vol. 109, No. 437, 2010, pp. 659-668, p. 664.

³⁵¹ Snyder, Jack. *From voting to violence: democratization and nationalist conflict*. New York: Norton, 2000; for a very popular exposition of the argument that democracy can have very illiberal consequences, see Zakaria, Fareed. *The Future of Freedom: Illiberal Democracy at Home and Abroad*. New York: Norton, 2003.

³⁵² von Trotha, Trutz, "Jenseits des Staates: Neue Formen politischer Herrschaft", in Akude, John Emeka; Daun, Anna; Egner, David and Lambach, Daniel (eds.) *Politische Herrschaft jenseits des Staates*. Wiesbaden: VS Verlag für Sozialwissenschaften, 2011, pp. 25-50, p. 29.

³⁵³ Straus, Scott, "Wars do end! Changing patterns of political violence in sub-Saharan Africa", *African Affairs*, Vol. 111, No. 443, April 2012, pp. 179-201, p. 200.

group – ethnic, regional or other – that in turn constitutes the backbone of the rulers' continued hold onto power.

4.1.3.1. *The privatized criminal state – kleptocracy and corruption*

The state in Africa is typically not a public force but tends to be privatized³⁵⁴. African states are victims of 'privatization'³⁵⁵ with leaders frequently using the state exclusively to further their personal interests as well as the interests of a small elite: "The state is used by the governing elite for accumulation as against legitimation purposes"³⁵⁶. This notion of privatization picks up on François Bayart's ideas on 'the politics of the belly', according to which various social actors strive to gain hegemonic control over the state, which boils down to control over the spoils of state production³⁵⁷. In essence, African politics is then that everyone, high and low, is trying to seize and eat as large a chunk of the national cake as they can stomach. Extravagant expenditures like the private football stadium Burundi's president built in his home village³⁵⁸ or the replica of St Peter's basilica in Yamoussoukro are only the tip of the iceberg of a form of behaviour that treats the state as one's personal casket. Crucially, the privatization of the state is not tantamount to the private sphere devouring or dominating the public but should be understood as a renegotiation and reconfiguration of power relations between dominant actors, both private and public³⁵⁹. State and societal elites both seek to maximize their political autonomy, yet also interfere in each other's spheres; the state to better exert control over the people, the private elites to gain access to state resources for their own ends³⁶⁰. An example of such collusion is South Africa's extensive private military sector as former branches of the army now work in the semi-private sector which the state promotes and uses as sources of income and influence³⁶¹.

Skill in dealing with these various players that transcend and frequently cross the imaginary boundary between politics and private life is essential to, on the one hand, maintain a grip on power, and on the other hand, partake of the state's riches: "Political life in Africa consists first and foremost of the management of factional intrigues for personal interest"³⁶². And in contrast to European and some Asian states, most African countries have not seen the growth of a distinct ethos among state employees that work for the amelioration of society rather than for personal gain³⁶³. Equatorial

³⁵⁴ Ake (1996), p. 42.

³⁵⁵ To avoid terminological confusion, privatization in this context does not refer to the sale of state-owned companies to the private sector made popular by Margaret Thatcher's government in the 1980s.

³⁵⁶ Ihonvbere (2000), p. 60.

³⁵⁷ Bayart, Jean-François. *The State in Africa: the Politics of the Belly*. London and New York: Longman, 1993, pp. 235-38.

³⁵⁸ Howden, Daniel, "Football-mad president plays on while Burundi fears the return of civil war", *The Guardian*, 6 April 2014, <http://www.theguardian.com/world/2014/apr/06/football-mad-president-burundi> (accessed: 6 April 2014).

³⁵⁹ Hibou, Béatrice, "Retrait ou redéploiement de l'État?", *Critique internationale*, No. 1, 1998, pp. 151-168, p. 152, 160.

³⁶⁰ Bratton, Michael and Rothchild, Donald S. "The Institutional Bases of Governance in Africa", in Hyden, Göran and Bratton, Michael (eds.) *Governance and Politics in Africa*, Boulder: Lynne Rienner, 1992, pp. 263-284, p. 264.

³⁶¹ Reno, William, "African weak states and commercial alliances", *African Affairs*, Vol. 96, No. 383, 1997, pp. 165-185, pp. 173-76.

³⁶² Bayart, Jean-François; Ellis, Stephen and Hibou, Béatrice, "From Kleptocracy to the Felonious State?", in Bayart, Jean-François; Ellis, Stephen and Hibou, Béatrice (eds.) *The Criminalization of the State in Africa*. Bloomington, IN: Indiana University Press, 1999, pp. 1-31, p. 21.

³⁶³ Münkler (2011), p. 58.

Guinea, the only former Spanish colony in Africa is a good case study. The state structure has since independence been controlled by different branches of the same family clan, people from president Obiang's hometown Mongomo fill all important positions and together with foreign companies (including arms and drug traders and toxic waste dumpers) try to seize as large a portion of state revenues as possible. While the majority of the population lives as subsistence farmers, "the voraciousness of a small government elite and its core constituents" is satisfied "with a range of legal, quasi-legal and criminal supporting enterprises"³⁶⁴.

Democratization since around 1990 has not seriously dented the practice of privatization as elected 'big men' shift resources from the state to the private domain. Shadow structures and personnel without official title effectively run large parts of the state, including sovereign functions such as negotiations with foreign governments and multinationals³⁶⁵. Hence, depicting how African governments and state elites expropriate and steal from the state's coffers has the added benefit of shifting the focus away from an analysis of state structures and a view that "assumed that the actions of states should be explained in terms of the interest of the state itself, rather than those of the individuals who controlled it"³⁶⁶.

Privatization of the state is also aided by the African state's extreme extraversion; by which is meant that although the state formally possesses independent national institutions, it continues to be shaped by external forces³⁶⁷. A particularly influential facet of the state's extraversion lies in what Cooper calls the 'gatekeeper function' of the state³⁶⁸, which goes back to the early independence period when controlling the borders was tantamount to "control[ing] resources brought in from the outside, whether those resources be economic or technical assistance, or political support"³⁶⁹. Those in control of the state profit from regulating access to the international sphere, for example by channelling foreign aid, creaming off custom revenue, doling out business licenses and receiving a cut from importers and exporters alike³⁷⁰. The presence of exportable natural resources as, for example, in Botswana means that control of the state and thus the gate are a source of wealth and power³⁷¹. Politics therefore invariably becomes a zero-sum game over the position of gatekeeper³⁷². The zero-sum nature of politics on the continent is moreover captured in the very high incidence of imprisonment, exile or death experienced by prominent African politicians³⁷³; a cynic might argue that that is a deserved price to pay but the high level of risk is also a reason for these politicians to accumulate as much wealth as possible while they still can.

³⁶⁴ Wood, Geoffrey, "Business and Politics in a Criminal State: The Case of Equatorial Guinea", *African Affairs*, Vol. 103, No. 413, 2004, pp. 547-567, pp. 553-54.

³⁶⁵ Bayart et al. (1999), p. 21.

³⁶⁶ Clapham (2007), p. 265.

³⁶⁷ Clapham (2007).

³⁶⁸ Cooper, Frederick (2002), p. 5.

³⁶⁹ Foltz, William J., "Political Boundaries and Political Competition in Tropical Africa", in Rokkan, Stein and Eisenstadt, Shmuel Noah (eds.) *Building States and Nations*. Beverly Hills, California: Sage, 1973, pp. 357-383, p. 365.

³⁷⁰ Cooper, Frederick (2002), p. 157.

³⁷¹ Hillbom, Ellen, "Botswana: A Development-Oriented Gate-Keeping state – A Reply to Ian Taylor", *African Affairs*, Vol. 111, No. 444, 2012, pp. 477-482, p. 480.

³⁷² Cooper, Frederick (2002), p. 159.

³⁷³ Wiseman, John A., "Leadership and Personal Danger in African Politics", *Journal of Modern African Studies*, Vol. 31, No. 4, 1993, pp. 657-660.

In addition, control over the gate enables the governing elite to shunt accountability to its citizens (see above Ch. 4.1.2. 'The illegitimate state') because the source of the elite's power lies not in representing and pleasing the state's population but in control over the nexus between domestic and international markets and thus in accumulation and financial support from abroad³⁷⁴. The fact that many African leaders take recourse to foreign companies thus stems from an effort to balance and compensate for the rulers' lack of legitimacy among the domestic electorate³⁷⁵. But extraversion and "displacement of accountability" can also be found in countries that have undergone reforms liberalizing the political system when these reforms occurred under pressure from international donors³⁷⁶. In Mauritania, domestic and international pressures forced Colonel Ould Taya to initiate democratizing reforms in 1991 but he subsequently ruled without concern for better governance "based on an exclusive reliance on external support", mostly from the United States that trained and funded the security apparatus necessary for his staying in power³⁷⁷. Extraversion not only redistributes wealth from the masses to the elite but is part of the story of how "the independent African state has facilitated the export of wealth from the continent"³⁷⁸. Zambia's copper industry, which generates roughly 80% of Zambia's GDP, has been owned by a Chinese state-owned company since the 1970s when pressure from the International Monetary Fund forced the Zambian state to sell it off. Alas, returns from the copper industry have yet to improve the livelihood of most Zambians³⁷⁹.

State privatization, rent-seeking and corruption are especially pronounced in resource-rich countries like Nigeria's oil economy. Due to vast petrol revenue, the state is by far the largest entity of accumulation but rather than using its wealth to become involved in the production process shells out its capital to private companies by way of contracts³⁸⁰. The result is that competition among Nigerian companies does not take place in the market place but finds expression in a struggle over access to political decision-making power³⁸¹. Ghana is a similar case in that profits in the cocoa-export industry are more tied to political connections – needed, for example, to get a seat on the Cocoa Marketing Board – than to business acumen³⁸². Both countries are illustrations of the (by no means exclusively African) resource curse, the nefarious link between natural resource wealth and politicians' retreat to enrichment and public neglect. Apart from economic distortions to the rest of the economy caused by an overreliance on one sector and currency appreciation that renders national products less competitive on the world market (the Dutch disease), it is weak state

³⁷⁴ Reno, William. *Warlord Politics and African States*. Boulder: Lynne Rienner, 1998, p. 40.

³⁷⁵ Hibou (1998), p. 163.

³⁷⁶ Pfeiffer, Caryn and Englebert, Pierre, "Extraversion, Vulnerability to Donors, and Political Liberalization in Africa", *African Affairs*, Vol. 111, No. 444, 2012, pp. 355–378, p. 377.

³⁷⁷ N'Diaye, Boubacar, "Mauritania, August 2005: Justice and democracy, or just another coup?", *African Affairs*, Vol. 105, No. 420, 2006, pp. 421–441, p. 439.

³⁷⁸ Longman (1998), p. 86.

³⁷⁹ Li, Pengtao. *The Myth and Reality of Chinese Investors: A Case Study of Chinese Investment in Zambia's Copper Industry*. Johannesburg: South African Institute of International Affairs, Occasional Paper No. 62, May 2010.

³⁸⁰ Hauck, Gerhard. *Gesellschaft und Staat in Afrika*. Frankfurt am Main: Brandes & Apsel, 2001, pp. 176–77.

³⁸¹ Traub, Rudolf. *Nigeria: Weltmarktintegration und sozialstrukturelle Entwicklung*. Hamburg: Institut für Afrikakunde, 1986, pp. 383–85.

³⁸² Frimpong-Ansah, Jonathan H. *The vampire state in Africa: the political economy of decline in Ghana*. London: Currey, 1991.

institutions that turn resource abundance into a curse³⁸³. In a downward spiral, a resource economy is in turn said to weaken state institutions³⁸⁴. What is more, evidence has been presented that resource abundance in Africa coincides with more authoritarian regimes³⁸⁵, with rulers of resource-rich rentier-states like Gabon using welfare, low taxes and the targeted buying off of disgruntled groups to ensure regime stability³⁸⁶. Clearly, though, in addition to these internal factors, the complicity and rapacity of international companies exacerbates the scourge of resource-related corruption as evidenced by mining companies involved in bauxite extraction in Guinea³⁸⁷.

Privatization of the state as it has been depicted in the paragraphs above has different effects on the African state and its citizens. On the one hand, state privatization has been taken as merely a specific form of state formation³⁸⁸; for instance, the privatization of border zones and transnational trade and commercial interactions may weaken the reach of the state, yet serve to consolidate the nation's territory³⁸⁹. Overall, however, the pervasive practices of appropriating and reallocating public funds for private benefit have deleterious results on state-society relations³⁹⁰. Many citizens perceive the self-serving, parasitical state as the predatory 'other'³⁹¹, feel less and less like proper citizens and in response withdraw from the state's reach into civil disobedience³⁹². Bates, in contrast, conceives of the citizenry less as a victim of the privatization of the means of coercion but rather as a participant in the never-ending game of access to the honey-pots of wealth, power and leisure played between citizens, patrons and rulers³⁹³. Disaffection arises because some people do not win the game, not because they disapprove of the game as such.

Finally, in contrast to expectations that weak states in the globalizing, economically liberal post-Cold War world should respond to their weakness – cut off from easy access to aid and loans as they are – by strengthening and streamlining state institutions, some “rulers of weak states seek stability and security by destroying state institutions and contracting indispensable functions out to foreign

³⁸³ Mehlum, Halvor; Moene, Karl and Torvik, Ragnar, “Institutions and the resource curse”, *The Economic Journal*, Vol. 116, No. 508, 2006, pp. 1-20.

³⁸⁴ Ross, Michael L., “The Political Economy of the Resource Curse”, *World Politics*, Vol. 51, No. 2, Jan. 1999, pp. 297-322.

³⁸⁵ Jensen, Nathan and Wantchekon, Leonard, “Resource Wealth and Political Regimes in Africa”, *Comparative Political Studies*, Vol. 37, No. 7, 2004, pp. 816-841. However, this finding is contested and other quantitative studies (though not exclusively on Africa) did not find such a causal relationship and even detected some form of resource blessing in terms of improved governance. Haber, Stephen and Menaldo, Victor, “Do Natural Resources Fuel Authoritarianism? A Reappraisal of the Resource Curse”, *American Political Science Review*, Vol. 105, No. 1, 2011, pp. 1-26.

³⁸⁶ Yates, Douglas A. *The Rentier State in Africa: oil rent dependency and neo-colonialism in the Republic of Gabon*. Trenton NJ: Africa World Press, 1996.

³⁸⁷ Campbell, Bonnie, “Guinea and Bauxite-Aluminium: The Challenges of Development and Poverty Reduction”, in Campbell, Bonnie (ed.) *Mining in Africa: Regulation and Development*. London & New York: Pluto Press, 2009, pp. 66-118.

³⁸⁸ Hibou (1998), p. 165.

³⁸⁹ Bennafla, Karine, “La fin des territoires nationaux?: État et commerce frontalier en Afrique centrale”, *Politique Africaine*, No. 73, March 1999, pp. 25-49, p. 26.

³⁹⁰ Mbembe (2001), p. 75.

³⁹¹ Young, Crawford (1994), p. 291; see also Fatton, Robert Jr. *Predatory rule: State and Civil Society in Africa*. Boulder: Lynne Rienner, 1992.

³⁹² Mbembe, Achille. *Afriques indociles: Christianisme, pouvoir et Etat en société postcoloniale*. Paris: Karthala, 1988, pp. 148-49.

³⁹³ Bates, Robert H. *When things fell apart: state failure in late-century Africa*. Cambridge: Cambridge University Press, 2008.

partners”³⁹⁴. When Siaka Stevens became prime minister of Sierra Leone in 1967, he decided to cut off the railway line to the hinterland from where most of the country’s export produce was transported to the coast. While this crippled Sierra Leone’s economy, it ensured that the hinterland which had overwhelmingly supported the opposition candidate would have less of an impact on politics and thus help Stevens’ survival in power³⁹⁵. Hence, it can be rational for rulers to forgo development and statebuilding and instead ensure political survival by continuing to feed their clients³⁹⁶. In a similar vein and leading over to the neopatrimonial form of governance that privatizes the state with an ulterior motive other than simple greed, “[n]eo-patrimonial rulers are likely to be uninterested or even strongly opposed to bureaucratic reforms that threaten their control of patronage and self-advancement”³⁹⁷.

4.1.3.2. *The neopatrimonial state: o brother, I feed thee*

The concept of neopatrimonialism goes back to Max Weber’s typology of forms of governance in which patrimonial rule is based on a personalized hierarchy headed by an individual leader who exercises power over his or her subjects by delegating domestic authority and property (mostly land) to dependent clients who, in exchange, support and sustain the patron’s rule; a system fortified by tradition, custom and, in some cases, religion³⁹⁸. In its reincarnation as *neopatrimonialism*³⁹⁹, where personalized patron-client relations coexist with the state’s formal legal structures⁴⁰⁰, the neopatrimonial paradigm has become a very popular looking glass through which to assess politics in African states, if not necessarily “the standard tool of analysis”⁴⁰¹ some take it to be.

A key aspect of the neopatrimonial state is the (mis)appropriation of state property and funds for non-state purposes⁴⁰². But there is more to neopatrimonialism than simple theft and greed. As shown in the part on the illegitimate state, African state institutions and bureaucracy are neither functional nor do citizens or rulers alike have faith in and trust them. Behind the papier-mâché camouflage of a modern state, informal practices and personal relationships are what really matter in exercising power and getting things done. Bratton and Walle draw a brief yet accurate sketch of how such a personalized neopatrimonial form of rule looks like in a typified African state:

One individual (the strongman, ‘big man’, or ‘supremo’), often a president for life, dominates the state apparatus and stands above its laws. Relationships of loyalty and dependence pervade a formal

³⁹⁴ Reno. *Warlord Politics* (1998), p. 37.

³⁹⁵ Acemoğlu and Robinson (2012), pp. 336-337.

³⁹⁶ Reno. *Warlord Politics* (1998), pp. 19-20.

³⁹⁷ Sandbrook (2000), p. 123.

³⁹⁸ Weber, Max. *Economy and Society: An outline of Interpretive Sociology*, Vol. 2. Translated and edited by Guenther Roth and Claus Wittich. Berkeley and Los Angeles: University of California Press, 1968 [1913], pp. 1006-11.

³⁹⁹ Erdmann and Engel believe Eisenstadt – Eisenstadt, Samuel N. *Traditional Patrimonialism and Modern Neopatrimonialism*. London and Beverly Hills: Sage Publications, 1973 – was the first to use the prefixed term to denote the modern as opposed to traditional form of patrimonialism. Erdmann, Gero and Engel, Ulf. *Neopatrimonialism Revisited – Beyond a Catch All Concept*. Hamburg: German Institute of Global and Area Studies Working Paper, No. 16, February 2006, p. 8.

⁴⁰⁰ Chabal and Daloz (1999), p. 30.

⁴⁰¹ Söderbaum and Taylor (2010), p. 56.

⁴⁰² For an excellent journalistic account of the interplay between corruption, politics and patronage in 21st century Kenya, see Wrong, Michela. *It’s Our Turn to Eat: The Story of a Kenyan Whistle-Blower*. London: HarperCollins, 2009.

political and administrative system, and officials occupy bureaucratic positions less to perform public service, their ostensible purpose, than to acquire personal wealth and status.⁴⁰³

Two spheres exist next to, yet not in isolation from one another other, with the patrimonial permeating and altering the functioning of the rational-bureaucratic system. “Neopatrimonial rule takes place within the framework of, and with the claim to, legal-rational bureaucracy or ‘modern’ stateness. Formal structures and rules do exist, although in practice, the separation of the private and public sphere is not always observed”⁴⁰⁴. Exhibiting thus a characteristic mixture of formality and informality (with informal exchanges more common than formal ones), a critical component of neopatrimonialism is that “[t]his form of governance rests on well-understood if unequal forms of political reciprocity that link patrons with their clients across vertical social lines”⁴⁰⁵. Rather than constituting a mere top-down relationship of command-and-obey, both those at the top and at the bottom of the system of rule more or less directly depend on each other. Political strategies in African domestic politics have accordingly for a long time principally relied upon clients as the backbone of rule, “they are, at the same time, the means to attain power and the tools for its retention”⁴⁰⁶. During the Cold War, for instance, a patron-client chain existed as resources obtained from superpower patrons went into domestic patronage networks to prevent unruly strongmen from challenging authority.

A problematic feature of neopatrimonialism as an analytical tool is its all-encompassing grasp that unites a number of phenomena and practices of African politics under a common tree, for instance “nepotism, clanism, ‘tribalism’, regionalism, clientelism, cronyism, patronage, ‘prebendalism’, corruption, predation, factionalism, etc., based on either parochial corruption or market corruption”⁴⁰⁷. As such, it has been claimed that neopatrimonialism has “become something of a catch-all concept, in danger of losing its analytical utility”⁴⁰⁸, does not account for important differences in detail between countries, and posits the flawed assumption of an African exceptionality⁴⁰⁹. In spite of these criticisms, I continue to take neopatrimonialism to be a very useful part of the typology of the African state. For one, the fact that neopatrimonialism is a composite concept of several seemingly inchoate developments and thus “seeks to make sense of the (real or imaginary) contradictions to be found in the state in sub-Saharan Africa”⁴¹⁰ should be considered a strength as it enables a broader comparative framework than each individual facet, say nepotism,

⁴⁰³ Bratton, Michael and van de Walle, Nicolas. *Democratic Experiments in Africa*. Cambridge: Cambridge University Press, 1997, p. 62.

⁴⁰⁴ Erdmann and Engel (2006), p. 18.

⁴⁰⁵ Chabal, Patrick, “Power in Africa Reconsidered”, in Engel, Ulf and Olsen, Gorm Rye (eds.) *The African Exception*. Aldershot: Ashgate, 2005, pp. 17-34, p. 21.

⁴⁰⁶ Balandier, Georges, “Les relations de dépendance personnelle: Présentation du thème”, *Cahiers d'Études Africaines*, Vol. 9, No. 35, Les Relations de Dépendance Personnelle en Afrique Noire, 1969, pp. 345-349, p. 347 [my translation].

⁴⁰⁷ Médard, Jean-François, “L'État néo-patrimonial en Afrique noire”, in Médard, Jean-François (ed.) *États d'Afrique noire. Formation, mécanismes et crise*. Paris: Karthala, 1991, pp. 323-353, p. 330 [my translation].

⁴⁰⁸ Theobald, Robin, “Patrimonialism”, *World Politics*, Vol. 34, No. 4, July 1982, pp. 548-559, p. 555.

⁴⁰⁹ Pitcher, Anne; Moran, Mary H. and Johnston, Michael, “Rethinking Patrimonialism and Neopatrimonialism in Africa”, *African Studies Review*, Vol. 52, No. 1, April 2009, pp. 125-156.

⁴¹⁰ Chabal and Daloz (1999), p. 9.

would yield if looked at in isolation. Moreover, it is not necessary to argue that neopatrimonialism is a *uniquely* African trait to make the case that it is *characteristic* of African states⁴¹¹.

Just as it is itself a composite of different ideas, neopatrimonialism has been blamed for a whole range of ills afflicting the African state. To begin with, the failure of law and order is said to be the result of personal interventions trumping due legal process. Sluggish economic development and especially differences in economic performance between different African countries have equally been attributed to the prevalence of neopatrimonial conduct⁴¹². Furthermore, politicians that devote most of their time and energy to their clientele will have little left to fulfil their actual duties like, for example, holding other office-holders accountable⁴¹³. Another problem is that by shuffling clients in and out of official posts in an effort to please and appease as large a group of clients as possible, such a system creates an entire class of disaffected, disappointed and potentially rebellious elites⁴¹⁴.

An analysis of West African politics also observes the duality of confrontation and cooptation in the practice of neopatrimonialism as “daily government in a neopatrimonial regime [...] resembles a balancing act to maintain a degree of political stability by satisfying the regime’s supporters and weakening its opponents”⁴¹⁵. In Francophone West Africa, clientelism and dissolving boundaries between the formal and informal are pervasive features of states⁴¹⁶. Côte d’Ivoire under Houphouët-Boigny is a particularly good example for a neopatrimonial attempt to appease regional discontent by pumping in state resources and thereby co-opting local leaders into the overall national leadership arrangement by way of limited power sharing⁴¹⁷. The extent to which personalized relationship of dependence became convoluted with the official state structure is epitomized by the designation of the remote village of Yamoussoukro as Côte d’Ivoire’s capital on the grounds that it was president Boigny’s place of birth.

Social diversity, lack of communication and transport infrastructure compounded, for some African states like Congo, Mali or Chad, by vast and sparsely inhabited territories have meant that in order to be able to govern at all, the neopatrimonial tent had to be so large as to include a varied number of groups from most parts of the state’s territory⁴¹⁸. The size of the neopatrimonial edifice can therefore be correlated to the state’s overall weakness. Democratization has in many a case left the neo-patrimonial order intact while applying some democratic window-dressing to make the situation more palatable to national and international publics alike. Richard Sandbrook describes how in Ghana “under the democratic façade the old neo-patrimonial rules of the game came to the fore.

⁴¹¹ In fact, in recent years the concept has actually crossed back across the Mediterranean and found application to European countries as well. Magone, José M., “The Difficult Transformation of State and Public Administration in Portugal. Europeanization and the Persistence of Neo-Patrimonialism”, *Public Administration*, Vol. 89, No. 3, 2011, pp. 756–782.

⁴¹² Tangri, Roger. *The Politics of Patronage in Africa: parastatals, privatization and private enterprise*. Oxford: James Currey, 1999.

⁴¹³ Lindberg, Staffan I. and Morrison, Minion K. C., “Are African Voters Really Ethnic or Clientelistic? Survey Evidence from Ghana”, *Political Science Quarterly*, Vol. 123, No. 1, 2008, pp. 95-122, p. 118.

⁴¹⁴ Bratton and van de Walle (1997), p. 76.

⁴¹⁵ Taylor, Ian and Williams, Paul D., “Political Culture, State Elites and Regional Security in West Africa”, *Journal of Contemporary African Studies*, Vol. 26, No. 2, 2008, pp. 137-149, p. 139.

⁴¹⁶ de Sardan, Jean-Pierre Olivier, “État, bureaucratie et gouvernance en Afrique de l’Ouest francophone”, *Politique Africaine*, No. 96, December 2004, pp. 139-162.

⁴¹⁷ Boone (2004), pp. 267-72.

⁴¹⁸ Reno, William, “Congo: From State Collapse, to ‘Absolutism’ to State Failure”, *Third World Quarterly*, Vol. 27, No. 1, From Nation-Building to State-Building, 2006, pp. 43-56, p. 49.

Centralization of power in the hands of the president, personal loyalties, pervasive clientelism, growing corruption, and unofficial presidential control of his own, personally loyal armed force”⁴¹⁹.

The same neopatrimonial personalization of power has even been observed in South Africa, often termed the success story of sub-Saharan political development. At his private estate president Jacob Zuma is said to regularly receive long lines of visitors eager for his personal intervention. The governing African National Congress (ANC) has a similar penchant for giving out contracts and jobs to family members and as political favours⁴²⁰. While there is a dearth of empirical testing, a study on elections in Benin confirmed neopatrimonial relations as key determinants for the electorate as the “credibility of clientelist appeals and accessibility of clientelist goods greatly influence voting behavior”⁴²¹. Madagascar’s political parties likewise serve as instruments of neopatrimonial rule⁴²² whereas in Ghana a large majority of voters did *not* pick a party based on expectations of handouts in return⁴²³.

While political power in a neopatrimonial state is synonymous with personal power, it does not mean that the state is tantamount to one of Potemkin’s villages for “although the state is a façade, compared to what it pretends to be, it is not only a façade, for it is able to extract and distribute resources”⁴²⁴. Crucially, for those involved, patrimonial relations take on a sense of inevitability; politicians feel bound (rather than free) to please their clients while ordinary citizens, even if they disapprove of patrimonialism, in practice cannot conceive of an alternative way to do politics⁴²⁵: “The contradiction of the politics of the belly is that both rich and poor, elites and masses, share the same opportunistic and materialistic view of politics and the state”⁴²⁶. Omar Bongo, former president of Gabon and a notorious practitioner of neopatrimonialism, commented on the politics of patronage: “I do not know if this system is good [...] But it is the only possible way”⁴²⁷. Hence, in analogy to what Akhil Gupta argued for corruption’s role in India⁴²⁸, the African state can be said to be ‘discursively constituted’ in its neopatrimonial guise, i.e. it is only the neopatrimonial system that makes the state visible to citizens both on the local and on the national level.

From the outside, taking care of the vertical network of relations and amenities by all means necessary may be perceived as endemic corruption, for many Africans, however, it is a moral obligation to support your own group in the struggle with competing networks⁴²⁹. And there is also the issue of historical precedent: patrimonial relations were typical of pre-colonial African chiefdoms

⁴¹⁹ Sandbrook (2000), p. 104.

⁴²⁰ Lodge, Tom, “Neo-patrimonial politics in the ANC”, *African Affairs*, Vol. 113, No. 450, January 2014, pp. 1-23.

⁴²¹ Wantchekon, Leonard, “Clientelism and Voting Behavior: Evidence from a Field Experiment in Benin”, *World Politics*, Vol. 55, No. 3, April 2003, pp. 399-422, p. 421.

⁴²² Marcus, Richard R. and Ratsimbaharison, Adrien M., “Political Parties in Madagascar: Neopatrimonial Tools or Democratic Instruments?”, *Party Politics*, Vol. 11, No. 4, 2005, pp. 495-512.

⁴²³ Lindberg and Morrison (2008).

⁴²⁴ Médard, Jean-François, “The Underdeveloped State In Tropical Africa: Political Clientelism Or Neo-Patrimonialism?”, in Clapham, Christopher (ed.) *Private Patronage and Public Power. Political Clientelism in the Modern State*. London: Frances Pinter, 1982, pp. 162-189, p. 180.

⁴²⁵ Chabal (2005), p. 28.

⁴²⁶ Berman (1998), p. 338.

⁴²⁷ Shaxson, Nicholas, “Oil, corruption and the resource curse”, *International Affairs*, Vol. 83, No. 6, 2007, pp. 1123-1140, p. 1123.

⁴²⁸ “Instead of treating corruption as a dysfunctional aspect of state organizations, I see it as a mechanism through which ‘the state’ itself is discursively constituted”. Gupta (1995), p. 376.

⁴²⁹ Tetzlaff and Jakobeit (2005), p. 129.

as “personal interaction between the ‘big man’ and his extended retinue defined African politics, from the highest reaches of the presidential palace to the humblest village assembly”⁴³⁰. In regions affected by the slave trade, the strength of personalized kinship organizations was in part a reaction to the failure of incumbent African states or other non-state forms of political authority to protect them against slave raiders⁴³¹.

Whereas neopatrimonial power relations can in certain cases contribute to statebuilding by accumulating political capital at the centre and establishing vertical bonds that accommodate but transcend ethnicity⁴³², they can just as easily lead to highly divisive political and social relations between those benefiting and those excluded from the troths of state handouts. Even if it is a misconception that personalized rule is inherently inimical to accountability⁴³³, the solidarity and conformity engendered by a system of patronage and personalized relations actually do undermine the modern state by replacing democratic interest representation with paternalistic support for one’s clients⁴³⁴. Thus, for example those few Liberians that benefit from the salaries of the legion of ‘ghost employees’ certainly approve of the scheme but for the state and society as a whole such wasteful corruption is clearly detrimental⁴³⁵. Especially so because once debts mount and resources run out, regimes can no longer provide benefits to their supporters and have to resort to coercive means to prevent a challenge to their rule, thereby erasing the last traces of public legitimacy⁴³⁶.

4.1.3.3. *The privatized neopatrimonial state – a summary*

The privatized state in its criminal, corrupt and neopatrimonial manifestation is common and widespread in Africa and is largely detrimental to both citizens and the state structure and its institutions. Winning and retaining control of the state is the ultimate prize of politics for which oftentimes the position as gatekeeper to the international arena is used, in particular in resource-rich countries. The state’s riches are employed for personal gain and to support a patron-client relationship with key groups in society that ensure the regime’s continued hold on power. Rulers therefore do not need to rely on general popular support and are prepared to cripple the state if it serves the purpose of staying in power. As a result, cynicism and detachment towards the state characterize those parts of society that do not partake of its privatization. All the while corruption, nepotism and patronage are widely seen as normal and in fact inevitable. The ease with which the state is privatized is aided by the state’s centralization and bloated size, which will be addressed in the coming section.

⁴³⁰ Olayode (2005), pp. 29-30. See also Le Vine who argues that “traditional African reality has always been closer to a diffuse patrimonialism than to patriarchy”. Le Vine, Victor T., “African Patrimonial Regimes in Comparative Perspective”, *Journal of Modern African Studies*, 18, 1980, pp. 657-673, p. 658.

⁴³¹ Ekeh, Peter P., “Social Anthropology and Two Contrasting Uses of Tribalism in Africa”, *Comparative Studies in Society and History*, Vol. 32, No. 4, 1990, pp. 660-700, p. 676.

⁴³² Lemarchand, René, “Political Clientelism and Ethnicity in Tropical Africa: Competing Solidarities in Nation-Building”, *American Political Science Review*, Vol. 66, No. 1, 1972, pp. 68-90, pp. 71-72, 88.

⁴³³ Pitcher et al. (2009).

⁴³⁴ Marx (2004), pp. 271-72.

⁴³⁵ Bøås, Morten, “Making Plans for Liberia – a Trusteeship Approach to Good Governance?”, *Third World Quarterly*, Vol. 30, No. 7, 2009, pp. 1329-1341.

⁴³⁶ Mentan, Tadah. *Dilemmas of Weak States. Africa and Transnational Terrorism in the Twenty-First Century*. Ashgate: Aldershot, 2004, p. 35.

4.1.4. The swollen centralized state

The high degree of extraction necessary for the maintenance of a neopatrimonial system of rule is only made possible by the centralization of power and control in the African state. As the state is the primary source of wealth and influence, it is much larger than the country could sustain and effectively a burden on society that seeks to carve out its own local or regional realms. Hence, African states are in a perpetual state of oscillation between tendencies to centralize and decentralize authority and resources. Tendencies that will be looked at in subsections on the bloated centralized state and on efforts to install a federal state with powers devolved to lower strata. This part of the typology provides a critical link to the depiction of the African nation because centralization is frequently justified with the need for nationbuilding whereas local actors, often ethnic groups, to differing degrees resist inclusion into the centralized nation-state.

4.1.4.1. *The bloated centralized state*

A side effect of the neopatrimonial nature of most African countries is the bloated size of the state and its branches that both provide benefits to those that are part of the patrimonial network and crowd out competition in the market and in the political sphere. The African state consolidates power at the centre – most of the time the capital and surrounding areas – and extracts large amounts of resources from society, which it then proceeds to spend on itself⁴³⁷. Having largely remained the essential focus for the accumulation of wealth in an environment in which “any official decision affords an opportunity for gain, from a fiscal control to a technical verification, from the signature of a nomination form or a concessionary market to an industrial agreement or an import license”⁴³⁸, the postcolonial state, much like the colonial state it succeeded, takes up an exorbitant space in society⁴³⁹.

The small class of post-liberation regimes that had to wage a war of independence are especially fond of and characterized by strong centralized bureaucracies⁴⁴⁰: “The institutionalization that occurs within armed groups then becomes a contribution to state-building”⁴⁴¹. So dominant is the state in public life that it becomes difficult to distinguish it from other actors as “the state, the regime, the party, and even individual personalities have been closely intertwined in the vast majority of African countries, and are not easily disentangled”⁴⁴².

Due to its overbearing size, the African state is embroiled in a cycle of self-reproducing expansion in which the oversized state apparatus breeds widespread political corruption, leading the beneficiaries inside the state structure to strive for a “further expansion of the state — which tends to generate even greater political corruption to reinforce the dominance of the political class”⁴⁴³. As a result, the state is both too large and too weak. A good example of this duality is the large number of states that

⁴³⁷ Bratton and Rothchild (1992), p. 263.

⁴³⁸ Bayart (1993), p. 78.

⁴³⁹ Mbembe (2001), p. 52.

⁴⁴⁰ Dorman (2006), p. 1087.

⁴⁴¹ Schlichte, Klaus. *In the Shadow of Violence: The Politics of Armed Groups*. Frankfurt and New York: Campus Verlag, 2009, p. 179.

⁴⁴² Villalón, Leonardo Alfonso, “The African State at the End of the Twentieth Century: Parameters of the Critical Juncture”, in Villalón, Leonardo Alfonso and Huxtable, Phillip A. (eds.) *The African state at a critical juncture: between disintegration and reconfiguration*. Boulder, CO: Lynne Rienner, 1998, pp. 3-25, p. 9.

⁴⁴³ Diamond, Larry, “Class Formation in the Swollen African State”, *Journal of Modern African Studies*, Vol. 25, No. 4, 1987, pp. 567-596, p. 585.

have mingled in land tenure arrangements. Even in those states that have enacted substantial land reforms (e.g. Zimbabwe and Kenya), the state remains on the local level only a marginal actor in allocating and adjudicating land rights as traditional institutions of social authority persist⁴⁴⁴.

One of the historical sources of the bloated size of the state is the late colonial period and the period of decolonization. In francophone Africa, in particular, a strong Jacobin current of thought survives among the political class intent on mimicking the centralized and unitary French state and the hegemony it enjoys in the political arena⁴⁴⁵. Niger is a good case of such a state that is Jacobin in aspiration, but in practice far too weak to live up to the professed ideals of the strong centralized state: the state elite did its best to sideline and weaken regional, ethnic or social power centres outside of the centre by any means necessary, yet this struggle has on the contrary resulted in the strengthening of centrifugal forces rooted in religion and ethno-regional associations⁴⁴⁶.

French and British attempts in the 1940s and 1950s to export the newly developed West European welfare state to Africa (albeit on a much smaller scale) had a major impact on the postcolony by inspiring nationalist leaders to install interventionist welfare states on the carcasses of the weak and authoritarian state structures they inherited⁴⁴⁷. From early on in the post-independence era, though, the bloated, unproductive and unsustainably costly government and state apparatuses, which constitute the leading 'industry' of most African countries, have been deemed one of the main obstacles to development. As Dumont wrote in 1962, "The administration, in the way it is set up, will lead these countries into ruin"⁴⁴⁸. Arguably, though, for the average African state there was not much of an alternative to the welfarism and state-led economic developmentalism of the early independence period because "the state was the only entity that could perform this function; Africa had no domestic bourgeoisie!"⁴⁴⁹.

According to this reasoning, a unitary state was in fact essential to preserve cohesion among diverse 'tribes', ethnicities and other social cleavages in the immediate aftermath of independence⁴⁵⁰. In the more recent past, however, the overcentralized African state has been held responsible for the lack of development as well as for disease, conflict, hunger and other ills. Rather than creating strong functional states, centralizing political and economic decision-making has led to weak states that need to rely on coercion instead of other forms of legitimacy in order to stay in power⁴⁵¹. Concurrently, devolving power to the local level has rarely been on the agenda of African states. Political parties (except for solely regional ones) "are generally organized at the center and largely

⁴⁴⁴ Williams, Donald C., "Reconsidering State and Society in Africa: The Institutional Dimension in Land Reform Policies", *Comparative Politics*, Vol. 28, No. 2, Jan. 1996, pp. 207-224, p. 220.

⁴⁴⁵ Tidjani Alou, Mahaman, "La décentralisation en Afrique: un état des lieux de recherche en sciences sociales", in Gazibo, Mamoudou and Thiriot, Céline (eds.) *Le politique en Afrique: état des débats et pistes de recherche*. Paris: Karthala, 2009, pp. 185-207, p. 186.

⁴⁴⁶ Ibrahim, Jibrin, "The Weakness of 'Strong States': The Case of Niger Republic", in Olukoshi, Adebayo and Laakso, Liisa (eds.) *Challenges to the Nation-state in Africa*. Uppsala: Nordiska Afrikainstitutet, 1996, pp. 50-73.

⁴⁴⁷ Eckert (2006), p. 99.

⁴⁴⁸ Dumont (1962), p. 63 [my translation].

⁴⁴⁹ Nyang'oro, Julius E., "Hemmed in? The state in Africa and global liberalization", in Smith, David A.; Solinger, Dorothy J. and Topik, Steven C. (eds.) *States and Sovereignty in the Global Economy*. London: Routledge, 1999, pp. 264-277, p. 269.

⁴⁵⁰ Mwakikagile (2001), p. 207.

⁴⁵¹ Wunsch, James S. and Olowu, Dele (eds.) *The failure of the centralized state: Institutions and self-governance in Africa*. Boulder, CO: Westview, 1990.

ignore the countryside and smaller urban areas”⁴⁵². As a result, capital cities, though typically large anywhere on the globe, are in many places much larger than any other city; Luanda, the capital of Angola, is for instance approximately ten times the size of Benguela, the second-largest settlement⁴⁵³.

Ruling groups regardless of regime type have sought to control local-level public affairs in postcolonial Africa from the centre while local social groups have typically paid little attention to sub-national political structures and players⁴⁵⁴. Since the 1980s and 1990s, however, the ‘integral state’ of the first postcolonial decades with its claim to complete control over most aspects of its citizens has been on the retreat although the true extent of this retreat remains open to debate.

4.1.4.2. *The decentralized federal state*

The ebb and flow of African statism is most directly visible in the fate of institutions of local or regional governance or, in more general terms, in the relative strength of centralizing tendencies vis-à-vis drives for decentralization and devolution of powers to lower levels of the administration and the state. Often as part of the process of democratisation, a growing number of African states have begun to undertake decentralising reforms. These reforms were accompanied by a popular critique of the state as “[h]alfway through the 1990s a further move away from a state-centrist position could be observed when the idea of the state itself was contested”⁴⁵⁵. There are, following Blundo and Jacob, four main reasons for decentralizing reforms: a) to reduce the size (and cost) of central government; b) a genuine willingness to devolve power to citizens; c) power-sharing in the face of ethnic conflict; and d) complying with donor requirements to receive aid⁴⁵⁶.

Regarding the first point – smaller government – structural adjustment programmes prescribed by the *Washington Consensus*⁴⁵⁷ have often reduced the scope of public expenditure to such an extent that especially smaller and/or weaker states like Gambia are no longer capable to provide a majority of social services and therefore do not actively choose reforms but experience decentralization by default⁴⁵⁸. A genuine willingness to devolve – the second point – has, however, been the great exception as in those instances when local government reforms were undertaken, “the reforms lead

⁴⁵² Olowu, Dele and Wunsch, James S. *Local governance in Africa: the challenges of democratic decentralization*. Boulder: Rienner, 2004, p. 11.

⁴⁵³ Jenkins, Paul, “Maputo and Luanda”, in Bekker, Simon B. and Therborn, Göran (eds.) *Capital cities in Africa: power and powerlessness*. Cape Town: HSRC Press, 2012, pp. 142-166, p. 161.

⁴⁵⁴ Therkildsen, Ole, “Legitimacy, local governments and natural resource management in Sub-Saharan Africa”, in Marcussen, Henrik Secher (ed.) *Institutional Issues in Natural Resources Management: With Special Reference to Arid and Semi-Arid Areas in Africa*. Roskilde: Roskilde University, International Development Studies, Occasional Paper No. 9, 1993, pp. 75-92, p. 82.

⁴⁵⁵ van Hensbroek, Pieter Boele. *Political Discourses in African Thought: 1860 to the Present*. Westport: Praeger, 1999, p. 169.

⁴⁵⁶ Blundo, Giorgio and Jacob, Jean-Pierre. *Socio-anthropologie de la décentralisation en milieu rural africain. Bibliographie selective et commentée*. Geneva: IUED, 1997, p. 4.

⁴⁵⁷ Washington Consensus refers to the paradigm of fiscal restraint and a downsized state structure and public sector, which dominated policy thinking in the major international financial institutions, primarily the IMF and World Bank, and the U.S. government (hence the term) around 1990. See Williamson, John, “Democracy and the ‘Washington Consensus’”, *World Development*, Vol. 21, No. 8, 1993, pp. 1329-1336.

⁴⁵⁸ Davis, Daniel; Hulme, David and Woodhouse, Philip, “Decentralization by default: Local governance and the view from the village in The Gambia”, *Public Administration and Development*, Vol. 14, No. 3, 1994, pp. 253-269.

to growing central government control”⁴⁵⁹. This form of covert centralization has a long tradition going back to the 1960s when decentralization undertaken in countries like Kenya, Senegal or Tanzania was in actual fact not meant to devolve powers to the local level but had the ultimate objective of giving the centre better control over the periphery⁴⁶⁰. More recent examples are Uganda and Ghana that both undertook decentralizing reforms that eventually led to recentralization of power and a strengthening of central government vis-à-vis local government⁴⁶¹.

In terms of the third point – power-sharing to stave off ethnic conflict – federalism is particularly critical in multicultural and ethnically heterogeneous countries which, in Africa, are the norm rather than the exception. A case can be made that the exponential increase in the number of Nigeria’s federal units from three in 1960 to thirty-six in 1996 has helped stymie the minorities’ sense of exclusion and thus kept the state from imploding⁴⁶². The decentralized state structure can on the other hand also be used as a new and alternative channel to shift the initiative to the local and regional level and contest power at the level of the nation-state. Nigeria is again a good example of this as the planned introduction of sharia in one particular federal state triggered and drove political debate and conflict in the whole of the state⁴⁶³. As will be dealt with in detail in the section on ethnic groups and traditional authorities, decentralisation also directly impacts the role and standing of chiefs in the political structure⁴⁶⁴ – either by recognizing and integrating them into the official state structure or by setting up alternative and rival officials in their stead.

Yet, even those countries where administrative reform has created greater political space and scope of action for local governance often suffer from the discrepancy between legal provisions and the reality on the ground. Denis Tull lists state weakness, lack of political will among the leadership, rent-seeking political entrepreneurs, popular political apathy and local government funding as the primary obstacles to successful decentralization in Africa⁴⁶⁵. A typical feature is “‘elite capture’ of local power structures [...] facilitated by the desire of ruling elites to create and sustain power bases in the countryside”⁴⁶⁶. The lack of democracy and accountability on the local level effectively nullify the expected poverty reduction effects of decentralization⁴⁶⁷ and there is “little evidence that

⁴⁵⁹ Therkildsen (1993), p. 83.

⁴⁶⁰ Le Bris, Émile and Paulais, Thierry, “Introduction thématique. Décentralisation et développement”, *Afrique contemporaine*, No. 221, 2007, pp. 21-44, p. 22.

⁴⁶¹ Awortwi, Nicholas, “The Past, Present, and Future of Decentralisation in Africa: A Comparative Case Study of Local Government Development Trajectories of Ghana and Uganda”, *International Journal of Public Administration*, Vol. 33, No. 12-13, 2010, pp. 620-634.

⁴⁶² de Montclos, Marc-Antoine Pérouse, “Le fédéralisme au secours de l’Afrique? Du Nigeria au Soudan, des expériences contrastées”, *Afrique contemporaine*, No. 208, 2003/4, pp. 101-114, p. 108, 111.

⁴⁶³ Angerbrandt, Henrik, “Political decentralisation and conflict: The Sharia crisis in Kaduna, Nigeria”, *Journal of Contemporary African Studies*, Vol. 29, No. 1, 2011, pp. 15-31.

⁴⁶⁴ Le Bris and Paulais (2007), pp. 29-30.

⁴⁶⁵ Tull, Denis M. *Demokratisierung und Dezentralisierung in Senegal. Dezentralisierungsreformen und innenpolitische Entwicklung seit 1990*. Hamburg: Institut für Afrika-Kunde, 2001, pp. 52-67.

⁴⁶⁶ Crook, Richard C., “Decentralisation and Poverty Reduction in Africa: The Politics of Local-Central Relations”, *Public Administration and Development*, Vol. 23, No. 1, 2003, pp. 77-88, p. 86.

⁴⁶⁷ Crawford, Gordon and Hartmann, Christof, “Conclusion: Decentralisation – No Shortcut to Development and Peace”, in Crawford, Gordon and Hartmann, Christof (eds.) *Decentralisation in Africa: A Pathway out of Poverty and Conflict?*. Amsterdam: Amsterdam University Press, 2008, pp. 233-252, p. 244.

decentralization is instituting procedures and institutions for representative, accountable and empowered forms of local governance”⁴⁶⁸.

States with weak institutions cannot properly oversee and supervise the activities of local officials who in turn exploit rather than serve local populations⁴⁶⁹. In the Democratic Republic of Congo, for instance, where regionalization has been pursued as a solution to the problem of national identity⁴⁷⁰, the weakness of the state combined with contradictory legislation grants de facto autonomy to local actors who, spurred by their own precarious standing, prey on the local population and thereby allow the federal government to run the country on the cheap⁴⁷¹. One reason for this outcome is the central government’s often cynical approach to devolving powers. A local administrative unit’s status is elevated without a proportional increase in material endowment or political clout; the lack of visible results quickly leads to exasperation among the local population, which in turn justifies the national government’s interference in local matters on the grounds of the local unit’s inaction⁴⁷².

4.1.4.3. *The swollen centralized state – a summary*

Its centralization and bloated size are features of the African state even after international pressure, in the form of mandatory structural adjustment reforms, and internal calls for devolution of powers in the course of democratization. Decentralization where it has been undertaken has not altered the actual centre of political gravity and oftentimes authority has effectively been recentralized as a result. Control and capture of the state remains the ultimate prize of African politics as lower levels of the executive and administration are ill-trained, ill-equipped and lack real powers and resources to act independently of the centre. At the same time, local government also has to compete and coexist with traditional authorities that are either partly co-opted or at least tolerated by the state. This general failure to devolve authority and institute genuine federal systems directly impacts the standing and satisfaction of sub-national groups and, on a continent where multi-ethnic countries are the norm, has a strong bearing on the success of nationbuilding projects – the focus of the coming chapter.

4.2. Nature of the postcolonial African nation

The evolution of nations and nationalism on the African continent has in many ways proceeded along a path akin to that of the African state, which is hardly surprising considering that state and nation are intimately linked in the theory and practice of the nation-state, which was and continues to be the model for African countries and their leaderships. In order to gain a better understanding of the development, the peculiarities and the obstacles to the creation of national identities and, in fact, national peoples, this chapter will begin by concentrating in 4.2.1 on the evolution of inclusive state-driven nationalism from the late anti-colonial struggle through decolonization until the present. The

⁴⁶⁸ Ribot, Jesse C. *African Decentralization: Local Actors, Powers and Accountability*. Geneva: UNRISD Programme on Democracy, Governance and Human Rights, Paper No. 8, 2002, pp. 9-10.

⁴⁶⁹ Smoke, Paul, “Decentralisation in Africa: Goals, dimensions, myths and challenges”, *Public Administration and Development*, Vol. 23, No. 1, 2003, pp. 7-16, p. 12.

⁴⁷⁰ Melmoth, Sébastien, “République démocratique du Congo: décentralisation et sortie du conflit”, *Afrique contemporaine*, No. 221, 2007, pp. 75-85, p. 84.

⁴⁷¹ Englebert, Pierre, “Incertitude, autonomie et parasitisme: les entités territoriales décentralisées et l’État en République démocratique du Congo”, *Politique Africaine*, No. 125, March 2012, pp. 169-188.

⁴⁷² Oyugi, Walter O., “Decentralization for good governance and development: The unending debate.”, *Regional Development Dialogue*, Vol. 21, No. 1, Spring 2000, pp. 3–22, p. 10.

subsequent sections are, in contrast, going to look at alternative loyalties and impediments to successful propagation of nationalism: 4.2.2 looking in particular at politicized ethnic loyalties and 4.2.3 dissecting the new exclusive nationalism with its focus on autochthony, religion and other non-inclusive forms of belonging.

4.2.1. Inclusive state-driven nationbuilding

Nationbuilding was a formative ideology of the early postcolonial moment and its success or rather the lack thereof proved critical in shaping later forms of African nationalism, both officially sanctioned and alternative national visions. This section on nationbuilding in the postcolony is therefore going to start in 4.2.1.1 with an overview of the standard narrative of inclusive African state nationalism that emerged after decolonization, subsequently in 4.2.1.2 look at elements of negative 'othering' in trying to create unity among the people confined within the nation's territory and then in 4.2.1.3 deal with national identification that exists in spite of the state.

4.2.1.1. *African inclusive nationalism in colonial and early postcolonial times*

During the late colonial period and in the immediate aftermath of independence, African nationalism was seen as coterminous with opposition and resistance to colonial rule⁴⁷³; i.e. as *anti-colonial* nationalism, which "was a progressive movement in the colonial and semi-colonial world, when it embodied the struggle of a national bourgeoisie against imperialism"⁴⁷⁴. Genuine nations, on the other hand, were on principle presumed not to exist in Africa⁴⁷⁵. Based on this reasoning, the postcolonial African country was said to be at a similar developmental stage as Europe's new monarchies of the 15th century and described as "an aspirant nation-state" in which "[t]he state is to create the nation, not the reverse"⁴⁷⁶. This point is echoed by Tangri's categorical statement that "at independence, African countries largely lacked a national identity, partly because colonial policy did much to strengthen ethnic, as opposed to national consciousness, and partly because the countries were too recent in existence to elicit a sense of common nationhood"⁴⁷⁷. In Nigeria, for instance, at the time of independence in 1960, the people of Nigeria did not conceive of themselves as Nigerians because people's "identity as Nigerians lay in the shadow of their tribal and parochial allegiances"⁴⁷⁸.

Most nationalist leaders that came to power with independence shared this assessment and in their aspiration of duplicating the nation-states of European pedigree, set about the project of building nations where none had been before – an aspiration possibly influenced by the fact that "[n]ationalist movements rely very heavily on men and women to whom a Western style of education and new types of employment and occupation have opened new horizons"⁴⁷⁹. In particular in countries that had emerged from war, governments composed of former 'freedom fighters' have a

⁴⁷³ Smith, Anthony D. (1983), p. 37.

⁴⁷⁴ Kedourie (1993), p. 85.

⁴⁷⁵ Hodgkin, Thomas. *Nationalism in colonial Africa*. New York: University Press, 1963, p. 23.

⁴⁷⁶ Curtin, Philip D., "Nationalism in Africa, 1945-1965", *The Review of Politics*, Vol. 28, No. 2, Apr. 1966, pp. 143-153, p. 144.

⁴⁷⁷ Tangri (1999), p. 8.

⁴⁷⁸ Davis, Thomas J. and Kalu-Nwivu, Azubike, "Education, Ethnicity and National Integration in the History of Nigeria: Continuing Problems of Africa's Colonial Legacy", *The Journal of Negro History*, Vol. 86, No. 1, Winter 2001, pp. 1-11, p. 1.

⁴⁷⁹ Emerson, Rupert, "The Problem of Identity, Selfhood, and Image in the New Nations: The Situation in Africa", *Comparative Politics*, Vol. 1, No. 3, Apr., 1969, pp. 297-312, p. 307.

strong sense of ownership of the nation⁴⁸⁰; the armed struggle, for example in Guinea-Bissau, becomes coterminous with national identity, “engendering a veritable cult of the ‘nation-party-state’ as the sole pillar and symbol of authority”⁴⁸¹.

But there is also a more pragmatic explanation that highlights the utility of the nationalist idea to states faced with high expectations and little to offer to citizens in terms of tangible benefits: “As such, nationalism is a particularly interesting issue for Africa because it may represent a way of broadcasting state authority that does not require the financial resources that poor countries lack”⁴⁸². In post-genocide Rwanda, for example, the official state-sanctioned account of an idyllic pre-colonial unity that was shattered by divisions introduced by the colonialists has become a pole-bearer of the government’s attempts at forced social engineering⁴⁸³. The degree of top-down propagation of nationalism has been so consistently high that John Markakis went so far as claiming that “[w]hatever it may be elsewhere, nationalism in Africa is the ideology of the state. More precisely, it is the ideology of those who wield state power”⁴⁸⁴. In that sense, African state-nationalism is categorically different from the notion that nationalism emanates from an already pre-existing primordial nation⁴⁸⁵.

In another contrast to European nationalism, what stands out about African state nationalism is the subordinate role assigned to language as the common signifier of national belonging – at least outside the Arabic-speaking countries of Northern Africa⁴⁸⁶. In spite of occasional appeals to return to indigenous languages as a means of “decolonizing the mind”⁴⁸⁷, most sub-Saharan African states have chosen to retain the former colonial language as language of official discourse as even those African languages that were symbolically and constitutionally enshrined as national languages did not manage to take the place of English, French or Portuguese in the school, market or courthouse⁴⁸⁸.

The main reason for this continuity lies in linguistic plurality, i.e. the lack of a common mother tongue, and in resistance toward the imposition of an African language among speakers of minority languages. Thus, Léopold Senghor, first president of Senegal and one of the fathers of *Négritude* – a philosophy based on the idea of a distinctly African way of being and thinking and “*the awareness*,

⁴⁸⁰ Dorman (2006), p. 1097.

⁴⁸¹ Havik, Philip J., “Virtual Nations and Failed States: Making Sense of the Labyrinth”, in Morier-Genoud, Eric (ed.) *Sure Road? Nationalisms in Angola, Guinea-Bissau and Mozambique*. Leiden and Boston: Brill, 2012, pp. 31-76, p. 36.

⁴⁸² Herbst (2000), p. 126.

⁴⁸³ Purdeková, Andrea, “Building a Nation in Rwanda? De-ethnicization and its Discontents”, *Studies in Ethnicity and Nationalism*, Vol. 8, No. 3, 2008, pp. 502-523, p. 514.

⁴⁸⁴ Markakis, John, “Nationalism and Ethnicity in the Horn of Africa”, in Yeros, Paris (ed.) *Ethnicity and Nationalism in Africa: Constructivist Reflections and Contemporary Politics*. Basingstoke: Macmillan, 1999, pp. 65-80, p. 71.

⁴⁸⁵ Ibid.

⁴⁸⁶ Having a dominant linguistic group is, however, far from a guarantee of national cohesion as illustrated in macabre fashion by the ethnic slaughter that occurred in Rwanda and Burundi.

⁴⁸⁷ Thiong’o, Ngũgĩ wa. *Decolonizing the Mind: The Politics of Language in African Literature*. New Hampshire: Heinemann, 1986.

⁴⁸⁸ Simpson, Andrew, “Introduction”, in Simpson, Andrew (ed.) *Language and national identity in Africa*. Oxford: Oxford University Press, 2008, pp. 1-25. However, retaining the colonial language had the unintended consequence of precluding access to the vast majority of indigenous people that lacked proficiency and thus contributed to their alienation from the state. Alexander, Neville, “Ten Years After Apartheid: The State of Nation-Building in South Africa”, in Dorman, Sara; Hammett, Daniel and Nugent, Paul (eds.) *Making Nations, Creating Strangers. States and Citizenship in Africa*. Leiden: Brill, 2007, pp. 197-219, p. 199.

*defence and development of African cultural values*⁴⁸⁹ – was nonetheless a virulent proponent of French as Senegal’s official language. Although the indigenous Wolof is the de facto *lingua franca*, when people breach the matter of “official recognition of Wolof as a national language above and beyond all other languages, there is much resistance and speakers of other languages are quick to remind the government that Senegal is a democratic multilingual society”⁴⁹⁰. Tanzania, where Julius Nyerere’s government successfully installed Swahili as the national language is clearly the exception to the rule⁴⁹¹.

Writers and artists were in some countries integrated into efforts at popularizing national identity, for example by commissioning songs. In West Africa, in particular, the composition and performance of hagiographic songs has a long tradition predating the colonial period and is preserved among a specialized class or caste of performers, today commonly known as *griots*⁴⁹². As a rule, however, the role of cultural actors was rather limited in the formulation of national identities in sub-Saharan Africa, lest they had to function as in Congo where “the nation has been engineered top-down by ideologues and state-sponsored official literature, which has in turn been challenged by orality and non-official and diasporic literature”⁴⁹³. On the other hand, authors have often sat uneasily with attempts to instrumentalise their work for nationbuilding purposes and, as Simatei shows for East Africa, have in their literary production reacted against the nation-state’s homogenizing tendencies⁴⁹⁴.

Initially, most African governments opted for an inclusive version of nationalism rather than an exclusive one. By promoting an assimilationist idea of the nation, they thereby strove to place their legitimacy on a broader footing⁴⁹⁵. Hence, during the first decade after independence, “it seemed natural that the priority should lie in the projection – the making concrete – of the myth of national unity”⁴⁹⁶. Nation-building as the counter-project to imperial strategies of divide-and-rule morphed into the guiding principle that inspired the first generation of independence leaders⁴⁹⁷. As the postcolonial historian Gyan Prakash pointed out, third World Nationalism was thus built on a paradoxical stance. It attributed agency to the nation long subjected to subservience under a colonial yoke and yet staked its own claim to national leadership on the order of reason and progress of European colonial pedigree⁴⁹⁸.

⁴⁸⁹ Senghor (1996), p. 49.

⁴⁹⁰ McLaughlin, Fiona, “Senegal: The Emergence of a National Lingua Franca”, in Simpson, Andrew (ed.) *Language and national identity in Africa*. Oxford: Oxford University Press, 2008, pp. 79-97, p. 87.

⁴⁹¹ Topan, Farouk, “Tanzania: The Development of Swahili as a National and Official Language”, in Simpson, Andrew (ed.) *Language and national identity in Africa*. Oxford: Oxford University Press, 2008, pp. 252-266.

⁴⁹² Panzacchi, Cornelia, “The livelihoods of traditional griots in modern Senegal”, *Africa*, Vol. 64, No. 2, April 1994, pp. 190-210.

⁴⁹³ Thomas, Dominic Richard David. *Nation-building, Propaganda, and Literature in Francophone Africa*. Bloomington: Indiana University Press, 2002, p. 2.

⁴⁹⁴ Simatei, Tirop Peter. *The Novel and the Politics of Nation Building in East Africa*. Bayreuth: Bayreuth University, 2001.

⁴⁹⁵ Bratton and van de Walle (1997), p. 75.

⁴⁹⁶ Chabal, Patrick, “Imagined Modernities: community, nation and state in postcolonial Africa”, in Torgal, Luis Reis; Pimenta, Fernando Tavares and Sousa, Julião Soares (eds.) *Comunidades Imaginadas: Nação e Nacismo em África*. Coimbra: University of Coimbra, 2008, pp. 41-48, p. 44.

⁴⁹⁷ Tetzlaff and Jakobeit (2005), p. 125.

⁴⁹⁸ Prakash, Gyan, “Subaltern Studies as Postcolonial Criticism”, *The American Historical Review*, Vol. 99, No. 5, 1994, pp. 1475-1490, p. 1475.

Yet, governments generally failed to put the lofty ideals of state-nationalism into practice as popular identification with the state was widely lacking, and few signs of genuine expressions of nationalism could be found apart from “the now pro forma exhortations from propaganda organs to engage in state-building”⁴⁹⁹. At least as important as loyalty of the mass or at least a significant share of the population is the evolution of a national elite that actually and genuinely conceives of the nation as their prime focus of loyalty and whose attachment to the idea of the nation exceeds mere cost-benefit calculations. The failure of nationalism is therefore related to the failure of political elites to act as genuine representatives of the nation (as opposed to ethnic group, e.g. Kenya, or family, e.g. Mobutu).

4.2.1.2. *Othering to create national unity*

The flipside to the inclusive narrative of the newly independent African state was the designation and creation of groups of people that were to serve as the ‘other’ to the respective national group. There were, as Dorman et al. point out, very sound reasons and motives for African governments and state elites to act in this way.

Working with a problematic colonial legacy, political elites have manipulated history, land, and social and economic factors to exert a collective sense of identity over their citizens. The claiming of control over the defining of citizenship and nationhood provides unrivalled political power. [...] To maintain this position it is necessary for them to cast a negative other against which to rally their nation.⁵⁰⁰

The attempt to define citizenship and thus identity (and vice versa), often by way of designating a negative other, functioned as a tool to ensure a continued position of influence in the country. Creating strangers that did not belong to what had been circumscribed as the national community thus arose both from a need to supply a glue to a disparate population and the void left behind by the desertion of the previous enemy ‘other’. Edward Said famously posited the Orient as Europe’s ‘other’, functioning as a typically negative mirror-image of European self-conceptions⁵⁰¹. Anti-colonial movements used Europe and specifically the colonial oppressors in much the same manner to strengthen self and group identification among African populations because

societies undergoing rapid social change, or nation building, or territorial or political expansion, can escape or postpone internal political difficulties – the fear of established groups for the loss of privilege – by mobilizing the society against some ‘external’ force, or for some common ideological purpose.⁵⁰²

A case in point, many nationalist movements-turned-governments derived their legitimacy to rule from the fact that they had resisted the colonial powers and portrayed their own struggle as a continuation of earlier resistance movements, e.g. Tanzania’s TANU party presenting itself as the

⁴⁹⁹ Herbst, Jeffrey, “War and the State in Africa”, *International Security*, Vol. 14, No. 4, Spring 1990, pp. 117-139, p. 127.

⁵⁰⁰ Dorman, Sara; Hammett, Daniel and Nugent, Paul, “Introduction: citizenship and causalities in Africa”, in Dorman, Sara; Hammett, Daniel and Nugent, Paul (eds.) *Making Nations, Creating Strangers. States and Citizenship in Africa*. Leiden: Brill, 2007, pp. 3–26, pp. 19-20.

⁵⁰¹ Said, Edward (1979).

⁵⁰² Bell, Daniel, “Ethnicity and social change”, in Glazer, Nathan and Moynihan, Daniel Patrick (eds.) *Ethnicity: Theory and Experience*. Cambridge, Mass.: Harvard University Press, 1975, pp. 160-171, p. 164.

successor to the Maji-Maji that led a violent uprising against the German colonizers⁵⁰³. Another example is the Zimbabwean ZANU-PF government's decision to circumscribe academic freedom in historiography and decree the propagation of 'patriotic history' in order to disseminate their preferred reading of recent history, including the party's own role in it⁵⁰⁴: "The ruling party has deliberately venerated the victimhood of the war veterans for political expediency and for purposes of playing down the significance of opposition"⁵⁰⁵. Mugabe herein followed in the footsteps of president Banda in Malawi where in the 1960s "to ensure that his version of Malawian culture and history prevailed, the machinery of the ruling Malawi Congress Party set out to control what could or could not be published or taught in schools and colleges"⁵⁰⁶.

Patriotic history is also reflected in the different memorial cultures and *lieux de mémoire* of countries which had to wage a war of liberation: whereas Zimbabwe has a strictly hierarchical layered system of commemorating its heroes (which, for instance, leads to frequent quarrels over which tier a deceased fighter is supposed to be interred in), Eritrea pursues a highly egalitarian culture of memorialisation embodied by the statue of a sandal that was worn by virtually all combatants during the liberation struggle⁵⁰⁷. Yet, memorials can also continue to divide nation-states as in Mozambique where the civil war between Frelimo and Renamo is being replayed on the country's public squares in a struggle over monuments that is equally a struggle over recent national history and national identity⁵⁰⁸.

However, in contrast to the late colonial period when nationalism blossomed due to the visible presence of an easily identifiable enemy – the colonialists – post-independence regimes struggled to define a relevant other and concomitantly struggled to create virulent symbols of national identity⁵⁰⁹. In a rather cynical assessment, Jeffrey Herbst blames the absence of inter-state wars because no peaceful scenario can come close to equalling the unifying effect that warfare has on a disparate and heterogeneous society⁵¹⁰. Alas, the new wars of the post-Cold War era are more likely to exacerbate existing fissures and cleavages in society rather than rally the people to unite⁵¹¹. Civil wars, which have been the predominant form of large-scale violence in Africa in the last decades, often revolve around issues of identity and apportioning of resources and thus are the antithesis of state-making wars in early modern Europe.

⁵⁰³ Ki-Zerbo, Joseph; Mazrui, Ali and Wondji, Christophe in collaboration with Boahen, A. Adu, "Nation-building and changing political values", in Mazrui, Ali (ed.) *General history of Africa. 8. Africa since 1935*. Oxford: Heinemann, 1993, pp. 468-498, p. 474.

⁵⁰⁴ Ranger, Terence, "Historiography, patriotic history and the history of the nation", *Journal of Southern African Studies*, Vol. 30, No. 2, 2004, pp. 215-234.

⁵⁰⁵ Matereke, Kudzai Pfuwai, "One Zimbabwe Many Faces: The Quest for Political Pluralism in Postcolonial Zimbabwe", in Ndlovu-Gatsheni, Sabelo J. and Muzondidya, James (eds.) *Redemptive or Grotesque Nationalism? Rethinking Contemporary Politics in Zimbabwe*. Bern: Peter Lang, 2011, pp. 217-260, p. 235.

⁵⁰⁶ Kalinga, Owen, "The Production of History in Malawi in the 1960s: The Legacy of Sir Harry Johnston, the Influence of The Society of Malawi and the Role of Dr Kamuzu Banda and his Malawi Congress Party", *African Affairs*, Vol. 97, No. 389, 1998, pp. 523-549, p. 549.

⁵⁰⁷ I am very grateful to Sara Dorman who raised these points during a conversation in July 2013 in Edinburgh.

⁵⁰⁸ Igreja, Victor, "Politics of Memory, Decentralisation and Recentralisation in Mozambique", *Journal of Southern African Studies*, Vol. 39, No. 2, 2013, pp. 313-335.

⁵⁰⁹ Herbst (1990), p. 130.

⁵¹⁰ Herbst (1990), p. 129.

⁵¹¹ Münkler, Herfried. *Die neuen Kriege*. Reinbek: Rowohlt, 2002.

Although there were genuine attempts at uncovering local history, for example in newly independent Mozambique where ‘Interest Circles in People’s History’ were formed in factories, secondary schools and communal villages that helped to find precolonial archaeological sites⁵¹², another major obstacle aspiring African nations have to overcome “is the lack of any shared historical mythology and memory on which state elites can set about ‘building’ the nation”⁵¹³. Following independence, “the aspiration to create a state-nation from virtually nothing was stronger than the desire to base new states on old nations”⁵¹⁴ that had existed prior to the colonial onslaught. In some cases, relying on national symbols that hail from the colonial period can actually be advantageous because – much in the same way as European languages – these symbols do not belong to any of the distinct groups that live in the contemporary state⁵¹⁵.

A slightly incoherent feature of African nationalism is that although there was a strong sense of creating a new community that looked towards the future instead of the past, some attempts at rekindling a glorious precolonial Africa were nonetheless undertaken. Several countries bear the name of historical empires – Zimbabwe, Ghana, Benin, Mali, Malawi, Angola – though for some of these the modern state’s territory is anything but congruent with the territory where the presumed state-ancestor had its seat and centre of power. Historical Benin, for instance, lay in modern-day Nigeria and the Ghana Empire in contemporary Mali and Mauritania. Overall, only very few countries retained their colonial names (e.g. Côte d’Ivoire, Cabo Verde), many other countries chose new names from rivers (e.g. Zambezi, Gambia, Niger, Senegal), mountains (Kenya, Sierra Leone), a desert (Namib) or a lake (Chad)⁵¹⁶.

In the present, though, given that most of Africa’s postcolonial countries are set to remain linguistically heterogeneous, there is reason to be sceptical about “whether they (like their predecessors) will create unique national cultures within their boundaries”⁵¹⁷. In fact, variations on the theme ‘unity-in-diversity’ are part of several African states’ official proclamations of national identity. This is especially true for multiethnic countries like Nigeria where in the waning years of British suzerainty the future prime minister already designated unity in diversity as the guiding principle for a future independent Nigeria⁵¹⁸; in Zambia, equally home to a large number of ethnic groups, the role of national radio was said to be “to mediate both national unity and national diversity”⁵¹⁹. A telling example of the lengths to which African states have to go in order to come up

⁵¹² Gray, Richard, “‘Khalai–Khalai’: People’s History in Mozambique”, *History Workshop Journal*, No. 14, 1982, pp. 143–152; see also Sinclair, Paul J. J.; Morais, João Manuel F.; Adamowicz, Leonardo and Duarte, Ricardo Teixeira, “A perspective on archaeological research in Mozambique”, in Shaw, Thurstan; Sinclair, Paul; Andah, Bassey and Okpoko, Alex (eds.) *The Archaeology of Africa: Food, metals and towns*. London and New York: Routledge, 1993, pp. 409–431, pp. 428–29.

⁵¹³ Smith, Anthony D., “State-Making and Nation-Building”, in Hall, John A. (ed.) *States in History*. Oxford: Basil Blackwell, 1986, p. 258.

⁵¹⁴ Curtin (1966), p. 149.

⁵¹⁵ Eriksen, Thomas Hylland, “Nationalism, Mauritian Style: Cultural Unity and Ethnic Diversity”, *Comparative Studies in Society and History*, Vol. 36, No. 3, 1994, pp. 549–574, p. 556.

⁵¹⁶ Lythgoe, Luke, “How To Name Your African Nation”, *Think Africa Press*, 16 November 2012, <http://thinkafricapress.com/history/what-name-african-state> (accessed: 2 April 2014).

⁵¹⁷ Laitin, David D. *Nations, states, and violence*. Oxford: Oxford University Press, 2007, p. 88.

⁵¹⁸ Balewa, Alhaji Sir Abubakar Tafawa, “Unity and Diversity in Independence”, in Cartey, Wilfred and Kilson, Martin (eds.) *The Africa Reader: Independent Africa*. New York: Vintage Books, 1970, pp. 84–86.

⁵¹⁹ Spitulnik, Debra, “Mediating Unity and Diversity: The Production of Language Ideologies in Zambian Broadcasting”, in Schieffelin, Bambi B.; Woolard, Kathryn A. and Kroskrity, Paul V. (eds.) *Language Ideologies: Practice and Theory*. New York et al: Oxford University Press, 1998, pp. 163–188, p. 165.

with a positive symbol of national identity that does not hold the risk of favouring and/or alienating groups in society, is the motto of the new South African Coat of Arms, which proclaims “Diverse people unite” in an extinct bushman language rather than any of South Africa’s living tongues⁵²⁰. And yet, the title of a controversial and influential book about South African national identity can without too much conceit ask the reasonable question: *Do South Africans Exist?*⁵²¹. For many African states, the analogous question of whether a nation exists in their territory also still remains to be answered.

4.2.1.3. Nationalism in spite of the state

Reviewing the relative success of state-led nation-building projects across Africa at the beginning of the 1990s, Elaigwu and Mazrui come to the conclusion that single-party states generally fared better in creating a unified citizenry than multi-party states⁵²². With the benefit of a further twenty years of hindsight, this contention appears much more dubious as some of the countries cited in defence of this hypothesis (notably Côte d’Ivoire and Cameroon) have experienced internal dissent leading all the way to civil war based on issues of national identity. It is however indisputable that in spite of the African states’ many failings and the resulting disconnect between citizens and the state, attachment to the idea of the *nation* seems to persist regardless of state performance. “A remarkable contemporary paradox is the persistence of an affective attachment to a territorial nationality even when the state institutions are derelict. The trauma of the 1990s shows that states may entirely collapse without disappearing as nations from the social imaginary”⁵²³.

A striking example is the Eastern Democratic Republic of Congo where the state’s presence has almost entirely vanished and been replaced by alternative centres of power, yet the feeling of belonging to the Congolese nation (and the feeling that others do *not* belong to it) continues to shape local self-identification and has arguably grown stronger over time⁵²⁴. In spite of African states’ relatively short life-span, the experience of living in territorially bounded territories along with ‘softer’ symbols of identification such as the national football team⁵²⁵ or a particular style of popular music⁵²⁶ have contributed to the coming-into-their-own of genuine national identities⁵²⁷. Even in those instances where the state has by all appearances disappeared from people’s everyday lives, it does not mean that the nation-state has lost meaning for its citizens. “Indeed, a positive attachment to the ‘nation’ seems often to coexist with a very negative view of the state”⁵²⁸. Hence, we can say, in analogy to Eugen Weber’s study of the 19th century transformation of French peasants from ‘savages’

⁵²⁰ Barnard, Alan, “Coat of Arms and the Body Politic: Khoisan imagery and South African national identity”, *Ethnos*, Vol. 69, No. 1, 2004, pp. 5-22.

⁵²¹ Chipkin, Ivor. *Do South Africans Exist? Nationalism, Democracy and the Identity of the “People”*. Johannesburg: Wits University Press, 2007.

⁵²² Elaigwu, J. Isawa in collaboration with Mazrui, Ali “Nation-building and changing political structures”, in Mazrui, Ali (ed.) *General history of Africa. 8. Africa since 1935*. Oxford: Heinemann, 1993, pp. 435-467, p. 453.

⁵²³ Young, Crawford (2007), p. 241.

⁵²⁴ Weiss, Herbert F. and Carayannis, Tatiana, “The Enduring Idea of the Congo” in Larémont, Ricardo René (ed.) *Borders, nationalism, and the African state*. Boulder: Lynne Rienner, 2005, pp. 135-177, p. 135.

⁵²⁵ Armstrong, Gary, “Talking Up the Game: Football and the Reconstruction of Liberia, West Africa”, *Identities: Global Studies in Culture and Power*, Vol. 9, No. 4, 2002, pp. 471-494.

⁵²⁶ See, for instance, Askew, Kelly M. *Performing the nation: Swahili music and cultural politics in Tanzania*. Chicago: University of Chicago Press, 2002.

⁵²⁷ Simpson (2008), p. 22.

⁵²⁸ Young, Crawford (2007), p. 249.

to citizens⁵²⁹, that to some extent the idealistic-cum-self-serving African nation-building projects of the 1960s onwards were at least partly successful in turning, for example, the people of Kivu into Congolese.

4.2.1.4. *State-driven nationbuilding in Africa – a summary*

The initially inclusive nature of state nationalism in Africa largely failed to take roots in the population as easily relatable symbols of national unity, a common language and a common history were missing. A homogenous national community agreeing on shared values and goals does not exist in Africa⁵³⁰. Moreover, the state did not deliver upon its promises of a better life and thus did not deserve adherence to its vision of the nation – though in some cases attachment to the nation existed and persisted in spite of the state's absence. A special class are post-liberation countries in which the memory of the liberation struggle and its heroes is glorified and used to strengthen cohesion and mobilization. As a rule, othering and the creation of strangers did also not succeed in unifying Africans once independence had been attained as the citizens of African states increasingly distanced themselves from state-driven national narratives. Instead, alternative loyalties came to the fore or were reactivated, which will be the focus of the coming section on the resurgence of ethnicity.

4.2.2. Politicized ethnicity

In the continuing attempts by African politicians, writers, historians, thinkers etc. to construct and develop a national consciousness, a national narrative, *tout court* a nation in the territories of the independent states of post-colonial Africa, the fall and rise of political ethnicity is probably the most important factor in the relative failure of state nationalism (depicted above) to lay the foundation for a tight link between citizen and state; a failure that is partly a result of African states' deliberate policies towards ethnic groups and traditional authorities in the early post-independence period. Politicized ethnicity – in contrast to the state-driven nationbuilding depicted above – is much more of a bottom-up process although there are certain overlaps when political entrepreneurs utilize ethnicity to garner support.

4.2.2.1. *Invention of Ethnicity*

A highly contentious issue that has indirect bearing on the role of ethnic groups and traditional authorities in African nationbuilding and in particular for nationalist history and national myth-making is the question to what extent chiefs and tribes are actually genuinely local institutions or mere colonial puppets, invented to suit the conveniences of indirect rule. Whereas the classical view treats ethnicity as a primordial given⁵³¹, Terence Ranger proposed a counter-narrative:

Far from there being a single 'tribal' identity, most Africans moved in and out of multiple identities, defining themselves at one moment as subject of this chief, at another moment as a member of that

⁵²⁹ Weber, Eugen. *Peasants into Frenchmen: The Modernization of Rural France, 1870-1914*. Stanford: Stanford University Press, 1976.

⁵³⁰ Lambach (2002), p. 32.

⁵³¹ See for instance Geertz, Clifford, "The integrative revolution", in Geertz, Clifford (ed.) *Old Societies and New States*. New York: Free Press, 1963, pp. 108-13.

cult, at another moment as part of this clan, and at yet another moment as an initiate of that professional guild.⁵³²

It was European colonialists that designated a single 'tribal' identity on each individual while superimposing their own concepts of 'tribe'. In Tanganyika, for instance, the colonial authorities directly encouraged the African population to conceive of themselves and others along ethnic lines⁵³³. According to Mahmood Mamdani's hypothesis, tribal leaders were collaborators of the (British) colonial state, which was founded on a 'regime of differentiation' with a white urban class ruling over the peasant masses by help of tribal leaders that functioned as extensions of the colonial state⁵³⁴. Crucially, colonialists were able to expand their rule by enforcing customs and restructuring tribes according to their own concepts and understandings – which were not those of the indigenous Africans – and in numerous cases actually recreated, altered or simply invented supposedly native institutions and even tribes: "In Africa, European colonialists reified a certain image of the tribe in order to co-opt chieftains whose power they had recently enlarged"⁵³⁵.

Opponents of this view that treats African 'tribes' and chiefs as colonial inventions and therefore illegitimate and alien in the eyes of the population argue that it strongly exaggerates the extent of invention. Locals and colonialists oftentimes interacted in shaping institutions of customary authority which required historical precedents to attain legitimacy. "Far from being created by alien rulers, then, tradition was reinterpreted, reformed and reconstructed by subjects and rulers alike"⁵³⁶. Ethnic groups were not and are not tantamount to mere interest groups that emerge without a prior basis because an ethnic group not only has to

embrace ideas of intra-intelligibility, of shared language, cultural norms and social institutions, it also requires an idea of blood ties and a shared past, of common descent and a history of union. Such shared pasts do not have to be historically accurate, but they must hold a resonance with cultural traditions.⁵³⁷

Related ideas reverberate in a study on Malawi which claims that an ethnic identity designed by the colonial administration only developed into an actual ethnic identity "when and where a group of African intellectuals were available to give specific cultural definition to the supposed 'tribe' and to communicate this vision through education"⁵³⁸. Finally, Catherine Boone presents an argument diametrically opposite to Mamdani's, arguing that variations in the post-independence fate of intermediary institutions of governance, chiefly chiefs and tribal leaders, "are attributable in very

⁵³² Ranger, Terence, "The Invention of Tradition in Colonial Africa", in Hobsbawm, Eric J. and Ranger, Terence (eds.) *The Invention of Tradition*. Cambridge: Cambridge University Press, 1983, pp. 211-262, p. 248.

⁵³³ Iliffe, John. *A modern history of Tanganyika*. Cambridge: Cambridge University Press, 1979.

⁵³⁴ Mamdani, Mahmood. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton, NJ: Princeton University Press, 1996, p. 17.

⁵³⁵ Duara, Prasenjit, "Introduction: the decolonization of Asia and Africa in the twentieth century", in Duara, Prasenjit (ed.) *Decolonization. Perspectives from Now and Then*. London: Routledge, 2004, pp. 1-18, p. 13.

⁵³⁶ Spear, Thomas, "Neo-Traditionalism and the Limits of Invention in British Colonial Africa", *The Journal of African History*, Vol. 44, No. 1, 2003, pp. 3-27, p. 4.

⁵³⁷ Lynch, Gabrielle, "Negotiating Ethnicity: Identity Politics in Contemporary Kenya", *Review of African Political Economy*, Vol. 33, No. 107, State, Class & Civil Society in Africa, Mar. 2006, pp. 49-65, p. 50.

⁵³⁸ Vail, Leroy and White, Landeg, "Tribalism in the Political History of Malawi", in Vail, Leroy (ed.) *The Creation of Tribalism in Southern Africa*. London/Berkeley: Currey/University of California Press, 1989, pp. 151-187, p. 152; for a case study of North-Western Ghana with similar findings see Lentz, Carola. *Die Konstruktion von Ethnizität. Eine politische Geschichte Nordwest-Ghanas 1870-1990*. Köln: Rüdiger Köppe, 1998.

large part to preexisting forms of political authority and other factors external to the colonial state, such as lineage structure, land tenure relations, and religion”⁵³⁹. A claim substantiated by a study of the Acholi people of Northern Uganda whose ethnic roots are traced to precolonial and pre-19th century times⁵⁴⁰.

More convincing than either extreme of the debate is the nuanced view that Bruce Berman proposes. While the invention of ethnic identities long predates the European arrival, “[t]he modern ethnicities of Africa originate in the colonial period, however, and they are both clearly derived from the character of pre-colonial societies and profoundly influenced in form, scope and content by the social, economic, cultural and political forces of colonialism”⁵⁴¹. The impetus for the fixation of ethnic and tribal identities usually came from the colonialists but the way these identities took shape and developed was out of their hands. At the end of the day, the origin of present-day ethnic groups is not of paramount importance because their most important facet with respect to present-day African nation-states is not *how* they came into existence but the fact *that* these new identities were widely accepted and utilized and thus acquired meaning for groups and individuals⁵⁴². And it is a much less contested historical fact that it was under colonial rule that “[t]he state became the focal point for ethnic claims, a role inherited by the post-colonial state”⁵⁴³.

4.2.2.2. Agitation against ethnic groups: “For the nation to live, the tribe must die”⁵⁴⁴

In the aftermath of decolonization and the establishing of independent African states, the promotion of an inclusive idea of the nation that all of a state’s inhabitants could adhere to and that was to transcend traditional bonds⁵⁴⁵ was complemented by a negative campaign against tribalism, as the new elites “demanded a more or less complete flattening of the ethnic landscape”⁵⁴⁶. As the main threat to cohesion was seen to emanate from ethnic and other communal divisions, governments made a deliberate attempt to overcome and deny ethnic and tribal loyalties⁵⁴⁷. This policy choice was not a foregone conclusion because “a strong feeling of ethnicity can obviously coexist with a strong sense of national identity”⁵⁴⁸. Togo’s anti-colonial nationalist movement, for example, was both imbued with expressions of Togolese nationalism and Ewe nationalism⁵⁴⁹ while in Mauritius, an

⁵³⁹ Boone (2004), p. 27.

⁵⁴⁰ Atkinson, Ronald Raymond. *The roots of ethnicity: the origins of the Acholi of Uganda before 1800*. Philadelphia: University of Pennsylvania Press, 1994.

⁵⁴¹ Berman (1998), p. 311; see also Markakis (1999), p. 73.

⁵⁴² Ranger, Terence, “The invention of tradition revisited: the case of Africa”, in Ranger, Terence and Vaughan, Olufemi (eds.) *Legitimacy and the State in Twentieth Century Africa*. London: Macmillan, 1993, pp. 62-111.

⁵⁴³ Horowitz, Donald. *Ethnic groups in conflict*. Berkeley: University of California Press, 1985, pp. 217-18.

⁵⁴⁴ Words attributed to Samora Machel, Mozambique’s first president after independence in 1975. Sachs, Albie and Welch, Gita Honwana. *Liberating the Law: Creating popular justice in Mozambique*. London: Zed Books, 1990, p. 5, quoted in Mamdani (1996), p. 131.

⁵⁴⁵ Bjornson (1986), p. 124.

⁵⁴⁶ Davidson (1992), pp. 102-03.

⁵⁴⁷ One notable exception was Nigeria’s first president, Nnamdi Azikiwe, who in 1964 actually laid out his vision of how, based on a federalist system, Nigeria would be able to accommodate its 400-odd ‘tribes’ and allow them to gradually develop into a genuine Nigerian nation. As an example worth imitating he chose the ‘tribes’ of Switzerland – German, French, Italian and Romansch – which have retained their tribal identity, yet do not constitute an obstacle to Swiss national identity. Azikiwe, Nnamdi, “Tribalism: A Pragmatic instrument for national unity”, in *President Azikiwe: Selected Speeches 1940-1964*. Lagos: The Daily Times of Nigeria, 1964.

⁵⁴⁸ Bjornson (1986), p. 135.

⁵⁴⁹ Lawrance, Benjamin N. *Locality, Mobility, and Nation: Periurban Colonialism in Togo’s Eweland, 1900-1960*. Rochester: University of Rochester Press, 2007. The Ewe are Togo’s largest ethnic group and also live in Ghana.

island state where everyone is the descendant of immigrants and ethnic endogamy remains strong, “[e]thnic, class-based, and nationalist ideologies are not mutually exclusive” and competition between these ideologies as a result mostly peaceful⁵⁵⁰. Although there is thus no *prima facie* reason to suppose that equally strong identification with ethnic group *and* nation is ontologically impossible, most state organs saw the two as mutually incompatible. In that sense, African nation-states mimicked the way in which “[t]he Westphalian territorial state strives for more homogeneity, and [...] is less tolerant of both alternative ethnic or religious communities or unconventional lifestyles”⁵⁵¹.

The overarching appeal and pull of the ideology of modernization in the extended post-war period was a major impetus for the drive to render ethnic identities extinct. Modernization’s underlying tenet was not only an adoption and recreation of Western societies but by extension also “the ‘total’ transformation of premodern societies: their institutions, their cultures and the behaviours they promoted”⁵⁵². Therefore, both progressive and reactionary regimes perceived chiefs as ideological opponents who due to their status “as representatives of the old order, and as specialists conservatively versed in customary law and chiefly administration, [...] constituted an obstacle to progress and modernization”⁵⁵³. The iconoclastic mood during this period of African *Sturm und Drang* is captured exceedingly well by a description of former British colonies where “many observers believed that for all the British support for the chiefs the organizational bourgeoisie would triumph after independence while outmoded chiefdoms would simply fade away”⁵⁵⁴.

Even ardent anti-colonial activists like Ndabaningi Sithole, who were otherwise highly critical of European colonialists, actually praised them for having used their technological superiority to forcefully end the incessant tribal wars of precolonial times⁵⁵⁵. As a result, African constitutions wilfully ignored ethnic identities while leaders enforced the nationbuilding project as a tool to retain power⁵⁵⁶. In Guinea, for example, independence was actually preceded by the abolition of customary chiefs whom nationalist politicians like Sékou Touré derided as representatives of anti-democratic feudalism and keen collaborators of the French colonial bureaucracy⁵⁵⁷. At the same time, the ‘ethnically colour-blind’ values proclaimed by official state discourse could be and were in fact employed to discredit political challengers as based on ethnic affiliation and therefore subversive and illegitimate⁵⁵⁸.

In some respect, the state policy of denying political space to ethnic groups and identities was successful in pre-empting the type of irredentist strife by ethnic groups separated by state borders that has devastated, among other regions, the Balkans and the Caucasus in the 1990s; a notable exception being Ethiopia’s majority-Somali region of Ogaden that was the object of an attack by

⁵⁵⁰ Eriksen, Thomas Hylland (1994), p. 554.

⁵⁵¹ Maier (2007), p. 81.

⁵⁵² Kabeer, Naila. *Reversed realities: gender hierarchies in development thought*. London: Verso, 1995, p. 16.

⁵⁵³ van Rouveroy van Nieuwaal, Emile A. B., “Chiefs and African States: Some Introductory Notes and an Extensive Bibliography of African Chieftaincy”, *Journal of Legal Pluralism and Unofficial Law*, Vol. 19, Nos. 25-26, 1987, pp. 1-46, p. 3.

⁵⁵⁴ Migdal (1988), p. 135.

⁵⁵⁵ Sithole, Ndabaningi. *African Nationalism. 2nd edition*. London: Oxford University Press, 1968, p. 97.

⁵⁵⁶ Ihonvbere (2000), pp. 69-70.

⁵⁵⁷ Suret-Canale, Jean, “La Fin de la Chefferie en Guinée”, *The Journal of African History*, Vol. 7, No. 3, Nov. 1966, pp. 459-493.

⁵⁵⁸ Brown, David, “Ethnic Revival: Perspectives on State and Society”, *Third World Quarterly*, Vol. 11, No. 4, 1989, pp. 1-17, p. 14.

Somalia in the late 1970s⁵⁵⁹. One of the reasons for the lack of irredentist agitation was that the colonial period had set up members of previously united groups on different trajectories by integrating them into educational, administrative and linguistic structures – a process further catalyzed by anti-colonial national movements that generally relied on trans-ethnic cooperation⁵⁶⁰.

In an illustrative example of how borders shape people, Paul Nugent shows how the borders between Togo and Cameroon have led to divergent habits among members of the same ethnic group in such every-day attributes as dress and food, which has in turn strengthened identification with the national as opposed to ethnic identity⁵⁶¹. Especially in West Africa, colonial powers have further contributed to top-down alienation by designating different official names for members of the same ethnic group living on different sides of the border – e.g. Peuls/Fulani, Yoruba/Nago, Tubu/Goranes, Kpelle/Guerzé and so on⁵⁶². Crucially, even if people disagree with existing borders, “there is no way of redrawing the map of Africa to create ethnically homogenous nations”⁵⁶³.

The period of nationalist leaders’ agitation against ethnic ties had its high-point in the aftermath of independence in the 1960s but already in the late 1960s there were signs of a ‘retribalization’ of society in response to the failure and corruption of African nationalism⁵⁶⁴. By the 1980s, the anti-ethnic nationalism had clearly faltered and “[t]he democratic moment which opened about 1990 largely ended national integration projects which presumed that ethnicity could be, if not eliminated, at least confined to an underground private sphere”⁵⁶⁵. Hence, there is a counter-narrative that emphasizes a more nuanced and uneven relationship between the state and traditional authorities as representative of ethnic groups.

On the one hand, post-colonial governments continue to diminish the chiefs’ formal and legal powers while, on the other hand, they have created spaces for chiefs in the political system and thus elevated their status⁵⁶⁶. While Ethiopia’s at least nominally ethno-federalist system enshrined in the 1995 constitution, which dispenses self-governing rights to ethnically defined regions, may still be an anomaly in Africa⁵⁶⁷, there are several countries that feature formal representations of chiefs in the

⁵⁵⁹ Jackson, Donna, “The Ogaden War and the Demise of Détente”, *Annals of the American Academy of Political and Social Science*, Vol. 632, Perspectives on Africa and the World, November 2010, pp. 26-40.

⁵⁶⁰ Touval, Saadia, “Partitioned Groups and Inter-State Relations” in Asiwaju, A. I. (ed.) *Partitioned Africans*, London: Hurst, 1985, pp. 223-232, p. 224.

⁵⁶¹ Nugent, Paul, “Do Nations Have Stomachs? Food, Drink and Imagined Community in Africa”, *Africa Spectrum*, Vol. 45, No. 3, 2010, pp. 87-113.

⁵⁶² Asiwaju, A. I., “The Conceptual Framework”, in Asiwaju, A. I. (ed.) *Partitioned Africans*. London: Hurst, 1985, pp. 1-18, p. 3.

⁵⁶³ Nzongola-Ntalaja (2001), p. 17.

⁵⁶⁴ Mazrui, Ali, “Violent Contiguity and the Politics of Retribalization in Africa”, *Journal of International Affairs*, Vol. 23, No. 1, 1969, pp. 89-105, pp. 92-94. Frantz Fanon was probably one of the first to lament the dominance of ethnicity in politics, claiming that “the so-called national party operates on a tribal basis. It is a veritable ethnic group which has transformed itself into a party”. Fanon, Frantz. *The Wretched of the Earth*. New York: Grove Press, 2004 [1961], p. 126.

⁵⁶⁵ Young, Crawford (2007), p. 252.

⁵⁶⁶ von Trotha, Trutz, “From Administrative to Civil Chieftaincy: Some Problems and Prospects of African Chieftaincy”, *Journal of Legal Pluralism and Unofficial Law*, Vol. 28, Nos. 37-38, 1996, pp. 79-107, p. 81.

⁵⁶⁷ Aalen, Lovise, “Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: the Case of Ethiopia”, *International Journal on Minority and Group Rights*, Vol. 13, No. 2-3, 2006, pp. 243-261.

state structure, e.g. in the form of Botswana's House of Chiefs⁵⁶⁸. This increased propensity to grant official recognition to chiefs has been linked to democratization and the introduction of neo-liberal reforms⁵⁶⁹ but recognition is generally not tantamount to granting chiefs a say in political affairs. Most governments that convey recognition on traditional authorities do so on the understanding that the chief or king will restrict his or her activities to the realm of culture and custom rather than politics. This was, for instance, spelled out unmistakably when Ugandan president Museveni reinstated the Kingdom of Buganda⁵⁷⁰.

4.2.2.3. *Resurgence of political ethnicity*

The predicament faced by the African state of the present, then, is that the reality of ethnic pluralism in society frequently translates into a similar plurality of loyalty and thereby undermines the state's pretension to monopolize allegiance⁵⁷¹. Nationalist leaders, though fearful of tribal cleavages, clearly underestimated the salience of politicized ethnicity⁵⁷². While there were some countries that sported a relatively ethnically homogenous population – “Swaziland had the Swazi people, Lesotho BaSotho, Botswana BaTswana, and Somalia the Somalis”⁵⁷³ – ethnic pluralism is the norm on the continent⁵⁷⁴ where “[t]he phrase ‘one state – many nationalisms’ [...] is particularly appropriate in describing the new states of Africa”⁵⁷⁵. Moreover, in addition to ethnic diversity, most African states also do *not* have a dominant ethnic group that constitutes a clear majority of the population and is thus able to impose a majoritarian ethnic nationalism on the state akin to European nation-building for instance by the French in France⁵⁷⁶. And in contrast to the states of Europe, “[p]olitically and economically

⁵⁶⁸ Werbner, Richard, “Challenging Minorities, Difference and Tribal Citizenship in Botswana”, *Journal of Southern African Studies*, Vol. 28, No. 4, 2002, pp. 671-684.

⁵⁶⁹ Buur, Lars and Kyed, Helene Maria, “Introduction: traditional authority and democratization in Africa”, in Buur, Lars and Kyed, Helene Maria (eds.) *State recognition and democratization in Sub Saharan Africa. A New Dawn for Traditional Authorities?*. New York: Palgrave Macmillan, 2007, pp. 1-28.

⁵⁷⁰ Appiah, K. Anthony, “Ethnic Identity as a Political Resource”, in Kiros, Teodros (ed.) *Explorations in African Political Thought: Identity, Community, Ethics*. London: Routledge, 2001, pp. 45-53, p. 46. The case of Buganda is particularly interesting because it illustrates the risk for foreign academics that focus on historical Buganda to become embroiled in the political competition between the state and the traditional precolonial entity. Reid, Richard, “Past and Presentism: The ‘Precolonial’ and the Foreshortening of African History”, *Journal of African History*, Vol. 52, No. 2, 2011, pp. 135-155, p. 145.

⁵⁷¹ Sindjoun, Luc, “L’Afrique au prisme des relations internationales”, in Gazibo, Mamoudou and Thiriot, Céline (eds.) *Le politique en Afrique: état des débats et pistes de recherche*. Paris: Karthala, 2009, pp. 319-341, p. 323.

⁵⁷² Berman (1998), p. 333.

⁵⁷³ Lythgoe, Luke, “How To Name Your African Nation”, *Think Africa Press*, 16 November 2012, <http://thinkafricapress.com/history/what-name-african-state> (accessed: 2 April 2014).

⁵⁷⁴ Daniel Posner has developed a measure of ethnic fractionalization according to which “Africa looks no longer like the outlier it is usually assumed to be”. But even if Africa is not exceptionally diverse, this finding does not undermine the claim that ethnicity is highly salient. Posner, Daniel N., “Measuring Ethnic Fractionalization in Africa”, *American Journal of Political Science*, Vol. 48, No. 4, October 2004, pp. 849-863, p. 858.

⁵⁷⁵ Olorunsola, Victor A., “Introduction”, in Olorunsola, Victor A. (ed.) *The politics of cultural sub-nationalism in Africa*. New York: Doubleday, 1972, pp. xiii-xvii, p. xiv.

⁵⁷⁶ In fact, Yusuf Bangura makes the case that ethnicity becomes politically salient primarily in ethnically bipolar or tripolar countries like Burundi or Nigeria while both unipolar (e.g. Botswana) and fragmented multipolar countries (e.g. Tanzania or Cameroon) tend to be less affected. Bangura, Yusuf, “Ethnic Inequalities in the Public Sector: A Comparative Analysis”, *Development and Change*, Vol. 37, No. 2, 2006, pp. 299-328, p. 324.

weak African countries have not been well placed to provide incentives to their citizens to identify strongly with the new nation, to the exclusion of ethnic allegiances”⁵⁷⁷.

The very fact that only less than half of African countries include a question about ethnic identity in their national census⁵⁷⁸ has been taken as an indication that states deliberately ignore ethnic identities in order to promote national integration⁵⁷⁹. Contrary to the popular narrative of a widespread reliance on pre-political loyalties⁵⁸⁰, however, African political parties do not fit neatly into the overall picture of an ongoing ethnicisation of state and society. Whereas in some countries like Kenya the party system is a close approximation of the country’s ethnic composition, others like Ghana and Namibia are dominated by non-ethnic parties⁵⁸¹. A study of four Francophone countries found only Benin’s party system to be dominated by ethnicized parties whereas for party systems in Mali and Burkina Faso ethnicity was not a major factor and Niger was somewhere in between⁵⁸². And South Africa’s Inkatha Freedom Party, once the embodiment of being Zulu, has been on a prolonged decline even though Zulu identity is very much thriving⁵⁸³. Ethnicity, though very important, is far from being the only common denominator in African politics.

There is a panoply of theoretical explanations for the ethnic revival in African politics and group identification. According to one line of argumentation, the instrumental inclusion of ‘tribes’ in the colonial administrative edifice which turned chiefs into salaried, appointed officials of colonial grace severely undermined the legitimacy and authority even of those chiefs that had been in power prior to colonial intervention⁵⁸⁴. As chiefs received material benefits from the state in exchange for compliance with its wishes, the bond between chiefs and their people came under strain – a good example is Côte d’Ivoire where chiefs gained access to diamond markets for personal benefit and in consequence lost legitimacy among their folk⁵⁸⁵.

As such, the strengthening of ethnic ties often went hand in hand with neopatrimonial attempts to seize the state to enrich oneself and one’s ethnic group; an example of such a country is Burundi where elites have persistently acted as politico-ethnic entrepreneurs and sought to mobilize ethnic

⁵⁷⁷ Ottaway, Marina, “Ethnic Politics in Africa: Change and Continuity”, in Joseph, Richard (ed.) *State, Conflict, and Democracy in Africa*. Boulder: Lynne Rienner, 1999, pp. 299-317, p. 306.

⁵⁷⁸ Morning arrives at a figure of 44% of African countries although for lack of available data she does not include all countries on the continent. Morning, Ann, “Ethnic Classification in Global Perspective: A Cross-National Survey of the 2000 Census Round”, *Population Research and Policy Review*, Vol. 27, No. 2, 2008, pp. 239-272, p. 246.

⁵⁷⁹ Rallu, Jean-Louis; Piché, Victor and Simon, Patrick, “Démographie et Ethnicité: Une Relation Ambiguë”, in Caselli, Graziella; Vallin, Jacques and Wunsch, Guillaume (eds.) *Démographie: Analyse et Synthèse. Vol. 6: Population et société*. Paris: Institut National d’Études Démographiques, 2004, pp. 481-515; cited in Morning (2008), p. 243.

⁵⁸⁰ For instance, Manning, Carrie, “Assessing African Party Systems after the Third Wave”, *Party Politics*, Vol. 11, No. 6, pp. 707-727, p. 715.

⁵⁸¹ Elischer, Sebastian. *Political Parties in Africa: Ethnicity and Party Formation*. Cambridge: Cambridge University Press, 2013.

⁵⁸² Basedau, Matthias and Stroh, Alexander, “How ethnic are African parties really? Evidence from four Francophone countries”, *International Political Science Review*, Vol. 33, No. 1, 2012, pp. 5-24, p. 18.

⁵⁸³ Carton, Benedict, “Introduction: Zuluness in the Post- and Neo-worlds”, in Carton, Benedict; Laband, John and Sithole, Jabulani (eds.) *Zulu Identities: Being Zulu, Past and Present*. Pietermaritzburg: University of KwaZulu-Natal Press, 2008, pp. 3-22.

⁵⁸⁴ Chabal (2009), pp. 92-95.

⁵⁸⁵ Reno, William. *Corruption and State Politics in Sierra Leone*. Cambridge: Cambridge University Press, 1995, pp. 57-59.

groups to seize the upper hand in exploiting the state⁵⁸⁶. Moreover, the ossification of hitherto flexible ethnic categories by the colonial state and “the massive expansion of a modern form of patrimonialism along these newly congealed ethnic lines led to a system in which both political and economic factors favoured the ever greater ‘ethnicisation’ of African life”⁵⁸⁷. In Uganda, for instance, the roots of postcolonial ethnic conflicts have been linked to the colonial-era introduction of new internal borders and the systematic positive ethnic discrimination in favour of one ethnic group, the Buganda⁵⁸⁸.

An alternative view apportions part of the blame to nationalist liberation movements that removed the white leadership but left the ‘tribal’ leadership intact or even ‘retribalized’ society as a means of controlling the countryside by proxy. As a consequence, resistance to the state and the government du jour also came to be expressed along ethnic lines⁵⁸⁹. Independence paradoxically helped to restore chiefly authority and legitimacy as the power to dispense resources shifted to the state, and as a consequence “chiefs could, and did, recover a measure of moral authority, which in due course placed them on a collision course with the post-colonial state”⁵⁹⁰. More importantly, though, the African state’s failure to deliver on its promise of development has led to a dramatic loss of legitimacy for the modern state in its citizens’ eyes (see Ch. 4.1.2 ‘The Illegitimate State’). As a result, people have turned (or returned) to chiefs as figures of authority since “the more the state in Africa fails to fulfil the expectations of its citizens, the more people seem to turn to solutions to former institutions among which are chiefdoms and chiefs”⁵⁹¹. Africans – especially but not only those living outside the cities – turn to communitarian structures like clan or ethnic group because they have very little interaction with the state⁵⁹² and the idea of a national community therefore does not concur with most people’s actual experiences which are overwhelmingly local⁵⁹³.

The chiefs’ resurgence can be placed in a wider narrative where the concept of the state is rapidly going out of favour in a process of “the ‘political tribalization’ and ‘cultural ethnicization’ of social order”⁵⁹⁴. And even where the state directly impacts people’s lives, the presence of ethnic counter institutions can have an empowering effect on citizens. One example is Niger where the reintroduction of chiefs into the administrative hierarchy by the democratically elected government in the 1990s has created persistent competition between chiefs and the lower levels of the administration in the field of land rights. This has allowed claimants to play off chiefs and administrators and pick and choose the authority most congenial to their own interests⁵⁹⁵. Fay, on

⁵⁸⁶ Daley, Patricia, “Ethnicity and political violence in Africa: The challenge to the Burundi state”, *Political Geography*, Vol. 25, No. 6, August 2006, pp. 657-679.

⁵⁸⁷ Chabal (2009), p. 33.

⁵⁸⁸ Schubert, Frank, “Die kolonialen Wurzeln nachkolonialer Gewalt. Die Entstehung von *Martial Tribes* und politischer Ethnizität in Uganda”, in Kruke, Anja (ed.) *Dekolonisation: Prozesse und Verflechtungen, 1945 - 1990*. Bonn: Dietz Nachf., 2008, pp. 275-294.

⁵⁸⁹ Mamdani (1996), p. 21.

⁵⁹⁰ Chabal (2009), p. 96.

⁵⁹¹ Skalnik, Peter, “Rethinking Chiefdoms”, in Bellagamba, Alice and Klute, Georg (eds.) *Beside the State. Emergent Powers in Contemporary Africa*. Köln: Rüdiger Köppe, 2008, pp. 183-196, p. 183.

⁵⁹² Mbembe (2001), p. 87.

⁵⁹³ Eriksen, Thomas Hylland, “A Non-ethnic State for Africa?”, in Yeros, Paris (ed.) *Ethnicity and Nationalism in Africa: Constructivist Reflections and Contemporary Politics*. Basingstoke: Macmillan, 1999, pp. 45-64, p. 56.

⁵⁹⁴ von Trotha (1996), p. 91.

⁵⁹⁵ Lund, Christian and Hesselning, Gerti, “Traditional Chiefs and Modern Land Tenure Law in Niger”, in van Nieuwaal, E. Adriaan B. van Rouveroy and van Dijk, Rijk (eds.) *African Chieftaincy in a New Socio-Political Landscape*. Münster: LIT, 1999, pp. 135-154.

the other hand, describes the Malian chiefs' return to political prominence not as re-traditionalisation but as an autonomous and essentially modern way of organising authority in which Western and African ideas are amalgamated⁵⁹⁶. An example of such hybridity is Ghana, where a growing number of chiefs are actually return migrants that have lived in Europe or America and thus bridge the realms of tradition and Western modernity⁵⁹⁷.

Moreover, state-led assaults on utterances of ethnic identity failed spectacularly in attaining their objective since "[s]tate intolerance towards ethnic rituals does not usually lead to popular support for state rituals, but rather to the creation of ethnic countercultures"⁵⁹⁸. Among the Dogon in Mali, for instance, public spectacles with masked men and women multiplied after the introduction of an official state-appointed mayor in an apparent show of force of traditional affiliations⁵⁹⁹. Furthermore, disaffection for economic reasons leads ethnic groups to turn "to ethnonationalism due to alienation from the central government, especially minority groups who are peripheralized in the economic and political dispensations in their polities"⁶⁰⁰. Treading the same line in their focus on the economic motives behind the activation of ethnic identities, Marxist and neo-Marxist scholars have portrayed tribalism as an ideology and "a mark of false consciousness on the part of the supposed tribesmen" that are unwittingly being exploited⁶⁰¹. Tribalism is seen as a mask that obscures the actual underlying motives of economic exploitation: "there is often a non-traditional wolf under the tribal sheepskin"⁶⁰². Alas, it is not necessary to imply malicious intent or blindness on the part of traditional authorities and those that respect them. Thomas Eriksen rightly stresses the contingency of identity politics and the fact that "people are loyal to ethnic, national, or other imagined communities not because they were born into them, but because such foci of loyalty promise to offer something deemed meaningful, valuable, or useful"⁶⁰³.

We need to be careful, though, not to overstate the strength of political ethnicity, which oftentimes constitutes a formidable power bloc inside a state's domestic political arena. Although it is true that ethnicity is always present in some form in violent uprisings against the state as "[v]irtually all African insurgencies [...] draw to some degree on ethnic differentiation within the state concerned"⁶⁰⁴, ethnicity is hardly ever the sole factor to drive rebellion and rarely in and by itself poses a challenge to state integrity. "In fact, instances where a separate state has been sought concern not ethnic groups, but regions representing coalitions of groups – Eritrea, Southern Sudan, Biafra, Katanga – and

⁵⁹⁶ Fay, Claude, "Introduction – Réformes administratives et logiques politiques, ancrages locaux et transnationaux", in Fay, Claude; Kone, Yaouaga Félix and Quiminal, Catherine (eds.) *Décentralisation et pouvoirs en Afrique. En contrepoint, modèles territoriaux français*. Paris: IRD Éditions, 2006, pp. 13-36.

⁵⁹⁷ Kleist, Nauja, "Modern Chiefs: Tradition, Development and Return among Traditional Authorities in Ghana", *African Affairs*, Vol. 110, No. 441, 2011, pp. 629-647.

⁵⁹⁸ Eriksen, Thomas Hylland (1999), p. 54.

⁵⁹⁹ Doquet, Anne, "Décentralisation et reformulation des traditions en pays dogon", in Fay, Claude; Kone, Yaouaga Félix and Quiminal, Catherine (eds.) *Décentralisation et pouvoirs en Afrique. En contrepoint, modèles territoriaux français*. Paris: IRD Éditions, 2006, pp. 303-319.

⁶⁰⁰ Udogu, E. Ike, "Ethnicity and Theory in African Politics", in Udogu, E. Ike (ed.) *The Issue of Political Ethnicity in Africa*. Aldershot: Ashgate, 2001, pp. 13-34, p. 21.

⁶⁰¹ Mafeje, Archie, "The Ideology of Tribalism", *Journal of Modern African Studies*, Vol. 9, No. 2, 1971, pp. 253-261, p. 259.

⁶⁰² Sklar, Richard L., "Political Science and National Integration – A Radical Approach", *Journal of Modern African Studies*, Vol. 5, No. 1, 1967, pp. 1-11, p. 6.

⁶⁰³ Eriksen, Thomas Hylland (1999), p. 55.

⁶⁰⁴ Clapham, Christopher, "Introduction: Analysing African Insurgencies", in Clapham, Christopher (ed.) *African Guerrillas*. Oxford: James Currey, 1998, pp. 1-18, p. 7.

in one instance clans – Somaliland”⁶⁰⁵. Somaliland is a particularly interesting case in this regard because its inhabitants are almost all ethnic Somalis. The driving impetus for the declaration of independence was the disappearance of the Somali state much more than the strength of a separate Somaliland identity⁶⁰⁶.

Descriptions of conflicts as ethnic also need to be treated with caution because this can be, in cases like the war in Angola⁶⁰⁷, a deliberate ploy to deflect attention away from the primarily political or economic causes of conflict. Additionally, the rapid urbanization of African societies and in particular the rise of mega-cities like Kinshasa, Nairobi, Dakar, Luanda, Johannesburg, Lagos and others affects the individual’s identification with ethnic as opposed to other ties (class, profession, neighbourhood, generation, nation, etc.). But as Bjornson observed in the mid-1980s, while moving to or growing up in the cities may weaken ethnic allegiance, the vast majority of Africans retain at least some sense of ethnic belonging⁶⁰⁸. The continued stream of migrants from the countryside to the cities helps to maintain a sense of belonging among earlier migrant communities. In South Africa, for example, “new cohorts of urbanizers help to keep urban ethnicity alive”⁶⁰⁹.

4.2.2.4. *Political ethnicity and the nation – a summary*

There are hardly any states in Africa today that do not have to contend with local strongmen that constitute rival power centres in society and which continue to play a large role in people’s lives, providing them with identities such as clan and ethnicity that clash with the state’s efforts to shape popular definitions of identity and to ensure loyalty and attachment to the national body⁶¹⁰. The state’s attempt to deny any space for ethnic identities in the framework of the nation contributed decisively to drive people back into the arms of their ethnic identity – irrespective of whether these identities are colonial inventions or authentically African. This holds in particular for the rural majority outside the cities and for pastoralist communities that both remain largely outside the purview of the state. In a number of cases, ethnic communities have added ideas of blood ties to previously more fluid notions of group identity. In spite of this surge of ethnic mobilization, both ethnic separatism and cross-border irredentism are the exception in Africa as the focus of political ethnicity has been the nation-state and – as will be addressed in the subsequent section on ‘new nationalism’ – the local level.

4.2.3. The ‘new’ exclusive nationalism

Whereas the mobilization of ethnicity in African politics has been the most substantial challenge to the nation-state and in particular to the African nation from within, there are other features of identity – some related to ethnicity, some not – that impact citizens’ association with the nation, with the state and with each other. What unites these aspects of the ‘new nationalism’ is that they

⁶⁰⁵ Markakis (1999), p. 77.

⁶⁰⁶ Bradbury, Mark, “Ethnicity and the emergence of Somaliland”, in Guibernau, Montserrat and Rex, John (eds.) *The Ethnicity Reader: Nationalism, Multiculturalism & Migration*. 2nd edition. Cambridge and Malden: Polity Press, 2010, pp. 125-134.

⁶⁰⁷ Campbell, Horace, “War and the Negotiation of Gendered Identities in Angola”, in Palmberg, Mai (ed.) *National Identity and Democracy in Africa*. Uppsala: Nordic Africa Institute and Cape Town: Human Sciences Research Council and Mayibuye Centre of the University of the Western Cape, 1999, pp. 119-166, p. 125.

⁶⁰⁸ Bjornson (1986), p. 126.

⁶⁰⁹ Glaser, Daryl. *Politics and Society in South Africa*. London et al.: SAGE Publications, 2001, p. 154

⁶¹⁰ Ayoob, Mohammed. *The Third World Security Predicament: State-Making, Regional Conflict, and the International System*. Boulder: Lynne Rienner, 1995.

all deal with questions of personal and group identity that are of high emotional but also practical pertinence for those affected. Starting in 4.2.3.1 with an outlook on the exclusionary politics of nationbuilding and citizenship characteristic of the new nationalism then in 4.2.3.2 turning to the politics of autochthony and belonging, I will in 4.2.3.3 focus on religion and nationbuilding and in 4.2.3.4 concentrate on processes of justice and reconciliation before giving a brief summary in 4.2.3.5.

4.2.3.1. *Exclusionary nationalism and citizenship: the politics of 'who is who'*

By the 1990s, the nature of nationalism and identity politics had radically changed across much of Africa as what Claude Ake coined the 'new nationalism'⁶¹¹ proved to be remarkably different from that of the early 1960s⁶¹². Flying in the face of pleas that acceptance of cultural diversity is essential to the survival of reconstituted African nation-states⁶¹³, contemporary 'uncivil nationalism'⁶¹⁴ shows a tendency to exclude rather than to include populations, resulting in alienation and xenophobia⁶¹⁵. In the modern setting the concepts of citizenship and population have been disentangled and split, juxtaposing what Chatterjee calls the homogeneous and indivisible construct of the nation with the heterogeneous construct of the social⁶¹⁶. At the same time, society is not any more beholden to the territoriality of the nation-state: globalization has also touched the African continent and has meant that individuals' identification is less connected to a specific location⁶¹⁷.

Yet, even in the earlier period of inclusive nationalism, there had been some instances of deliberate 'othering' and exclusion. The Asian minority in East Africa of mostly Indian descent had to serve as the negative other for post-colonial nationalism. Idi Amin's expulsion of all ethnic Indians from Uganda was only the most notorious act that designated Indians as not belonging to the national community. Similar rhetoric along with discriminatory action was also employed in both Kenya and Tanzania⁶¹⁸. The Lebanese in West Africa have to some extent faced the similar issue of not belonging to the 'black' African nation⁶¹⁹. There is therefore only so much novelty in new nationalism since the distrust shown towards ethnic groups can be seen as a precursor to the more extreme exclusion of individuals and groups from citizenship and the national community. Zambians belonging to other ethnic groups are, for example, irritated by the degree of reverence the Lozi show to their king, which is taken as proof of "why a Lozi must never be allowed or trusted to become President of

⁶¹¹ Ake (1996).

⁶¹² Ottaway (1999), pp. 299-300.

⁶¹³ Laakso, Liisa and Olukoshi, Adebayo, "The Crisis of the Post-Colonial Nation-State Project in Africa", in Olukoshi, Adebayo and Laakso, Liisa (eds.) *Challenges to the Nation-state in Africa*. Uppsala: Nordiska Afrikainstitutet, 1996, pp. 7-39, p. 36.

⁶¹⁴ Berman (1998).

⁶¹⁵ Kohnert, Dirk, "Entfremdung und Ausgrenzung: Afrikas neuer Nationalismus in Zeiten der Globalisierung", *Sociologus*, Vol. 58, No. 2, 2008, pp. 197-222.

⁶¹⁶ Chatterjee, Partha. *The Politics of the Governed: Reflections on popular politics in most of the world*. New York, NY: Columbia University Press, 2004, pp. 34-36.

⁶¹⁷ Featherstone, Mike, "Global culture: an introduction", in Featherstone, Mike (ed.) *Global Culture: nationalism, globalization and modernity*. London and Newbury Park, CA: Sage Publications, 1996, pp. 1-14.

⁶¹⁸ Twaddle, Michael, "East African Asians through a hundred years", in Clarke, Colin (ed.) *South Asians overseas: migration and ethnicity*. Cambridge: Cambridge University Press, 2009, pp. 149-163.

⁶¹⁹ Akyeampong, Emmanuel K., "Race, Identity and Citizenship in Black Africa: The Case of the Lebanese in Ghana", *Africa*, Vol. 76, No. 3, 2006, pp. 297-323.

Zambia”⁶²⁰. Thus, the strengthening of ethnic loyalties mentioned above may contribute indirectly to more exclusionary practices by other societal groups (including other ethnic groups) that are suspicious of people’s true loyalties: to the nation or to their particular group?⁶²¹

One of the driving forces behind the activation of ethnicity and the exclusionary new nationalism lies in the demise of post-colonial nation-building projects and the high-stakes struggles over state power and resources in the wake of political openings⁶²². The ‘wave of democratization’ that swept across Africa since around 1990 played a significant part in the (re-)activation of ethnicity as ruling elites manipulated ethnicity as a means to cling to power: “‘Government by the people’ requires a definition of the people and thus raises issues of identity”⁶²³. Defining citizenship all of a sudden becomes much more crucial when each citizen is also one vote. Hence, based on an analysis of post-election violence in Kenya, Branch and Cheeseman argue that “[w]ithout certain prerequisites such as basic state capacity, the effective rule of law, and an agreed national identity the reintroduction of multi-partyism may exacerbate underlying tensions which the state is powerless to manage”⁶²⁴.

In other cases, though, the state is not powerless but itself the instigator and perpetrator of exclusion. The genocide against the Tutsi in Rwanda can therefore be read as the desperate attempt by Hutu extremists to cling to power in the face of economic crisis and international pressure to democratize the political system⁶²⁵. Côte d’Ivoire’s vicious struggle over *ivoirité* is the most prominent recent case of deliberate denial of citizenship for political purposes. The government of Laurent Gbagbo reneged on the old vision of the country as a melting pot and waged a vicious propaganda campaign against immigrants, many of whom had lived most of their lives in the country, in order to keep them from electoral registers and thereby ensure victory at the polls⁶²⁶. Apart from being about sheer power, the rebellion that sprung up against Côte d’Ivoire’s president Gbagbo was a war of ‘who is who’ about “the redefinition of the content of citizenship”⁶²⁷.

These events are echoed by the bouts of xenophobia in contemporary post-apartheid South Africa where anti-immigrant riots have targeted and lynched migrant workers from neighbouring countries. Xenophobia is driven by the South African state’s own rhetoric against migrant workers as “the hegemonic discourse of nationalism was one which equated democracy with the exclusion of foreigners from citizenship rights”⁶²⁸. In addition to migrant workers, refugees from war-torn neighbouring countries can also serve as a convenient outlet for collective acts of brutality as for

⁶²⁰ Flint, Lawrence, “The Post-colonial African State: Issues of Citizenship and Subjectivity”, in Senghor, Jeggan C. and Poku, Nana K. (eds.) *Towards Africa’s Renewal*. Aldershot: Ashgate, 2007, pp. 35-62, p. 42.

⁶²¹ This logic has strong parallels to an inane but startlingly successful campaign against the introduction of dual citizenship in Germany by Roland Koch, a Conservative politician, in the year 1999.

⁶²² Markakis, John (1999), p. 73.

⁶²³ Ottaway (1999), p. 316.

⁶²⁴ Branch, Daniel and Cheeseman, Nic, “Democratization, Sequencing, and State Failure in Africa: Lessons from Kenya”, *African Affairs*, Vol. 108, No. 430, 2009, pp. 1-26, p. 26.

⁶²⁵ Kaldor (2000), p. 134.

⁶²⁶ Marshall-Fratani, Ruth, “The war of ‘who is who’: autochthony, nationalism and citizenship in the Ivorian crisis”, *African Studies Review*, Vol. 49, No. 2, 2006, pp. 9–43.

⁶²⁷ Ibid, p. 11.

⁶²⁸ Neocosmos, Michael. *From ‘Foreign Natives’ to ‘Native Foreigners’. Explaining Xenophobia in Post-Apartheid South Africa – Citizenship and Nationalism, Identity and Politics*. Dakar: CODESRIA, 2006, p. 83.

example in Guinea in the year 2000 when the country's president incited Guineans to act against refugees from Sierra Leone and Liberia⁶²⁹.

But the 'other' can also take the form of discrimination based on gender and sexual orientation. Tanzania provides a fitting example of the first. During the 1960s and early 1970s, the government party TANU's youth wing orchestrated several public campaigns against what it considered 'indecent dress', which mostly meant women that wore mini-skirts. These campaigns ought to be seen in the context of the government's attempt to establish and impose its concept of national culture conceived of as a *mélange* of tribal traditions and modernity, to which mini-skirts, among others, served as the negative other⁶³⁰. Similarly, the official discourse of what the exemplary woman ought to be like is critical for national identity in Mali⁶³¹. A more universal 'other' in this regard are homosexuals that are not only shunned in society but victims of discriminatory legislation (Uganda, Nigeria, Mauritania and many more⁶³²). The attacks against homosexuals are interesting because they are often accompanied by anti-Western rhetoric: homosexuality (like the territorial nation-state) is vilified as a cultural import from the morally corrupt West⁶³³. Thus, what makes the new nationalism so perfidious is that anything and everything can be chosen as a signifier of unacceptable difference.

4.2.3.2. *Autochthony: the politics of 'who was here first'*

A truly novel development that has gripped an increasing number of African states in the last twenty-odd years is the rise of debates over autochthony and the politics of belonging, i.e. the question of who rightly belongs to the national community and who does not. Autochthony hereby means the indigenous, original, native (and therefore rightful) inhabitants, a loaded concept that becomes more complicated still by the processes of urbanization and migration that characterize many African countries in the present. The reason why the autochthony discourse matters so much to our analysis of the African statebuilding and nationbuilding experience is "what seems to be a crucial dimension in all autochthony's variations: its crucial but volatile relation with the nation-state and the idea of national citizenship"⁶³⁴. Not only does the national community exclude rather than include potential members, sub-national and local communities do much the same in deciding who is 'one of us' and who is not.

⁶²⁹ Onoma, Ato Kwamena. *Anti-Refugee Violence and African Politics*. Cambridge et al.: Cambridge University Press, 2013, pp. 61-63.

⁶³⁰ Ivaska, Andrew M., "'Anti-Mini Militants Meet Modern Misses': Urban Style, Gender and the Politics of 'National Culture' in 1960s Dar es Salaam, Tanzania", *Gender & History*, Vol. 14, No. 3, November 2002, pp. 584-607, p. 591.

⁶³¹ Schulz, Dorothea E., "Mesmerizing 'Missis', Nationalist Musings. Beauty Pageants and the Public Controversy over 'Malian' Womanhood", *Paideuma*, Vol. 46, 2000, pp. 111-135.

⁶³² A 2009 study found that homosexual acts were illegal (incurring, in the extreme, the death penalty) in 36 out of a total of 53 African states. Ottosson, Daniel. *State-sponsored Homophobia: A world survey of laws prohibiting same sex activity between consenting adults*. The International Lesbian, Gay, Bisexual, Trans and Intersex Association, May 2009.

⁶³³ Mugisha, Frank, "Gay and Vilified in Uganda", *New York Times*, 22 December 2011, http://www.nytimes.com/2011/12/23/opinion/gay-and-vilified-in-uganda.html?_r=0 (accessed: 29 March 2014).

⁶³⁴ Geschiere, Peter. *The Perils of Belonging: Autochthony, Citizenship, and Exclusion in Africa and Europe*. Chicago and London: University of Chicago Press, 2009, p. 98.

Generally speaking, the resort to autochthony represents a break with the African past and a reversal of the traditional norm of inclusiveness. Going back to pre-colonial times, a society's strength was measured by wealth in people as opposed to the wealth in things typical for Eurasian societies⁶³⁵. Therefore, rulers tended to facilitate the accession and integration of strangers into the community, e.g. by way of ritualized and institutionalized forms of adoption, because it was a means to increase their power⁶³⁶. On the other hand, Carola Lentz shows that for parts of Ghana and Burkina Faso the issue of land ownership has been tied to first-come status since as far back as the 18th century⁶³⁷. And struggles over land between white settler communities and autochthonous inhabitants in what is today South Africa were already in the 18th and 19th century about more than just access to a vital economic commodity. For both newcomers and incumbents, these struggles were just as much about who rightfully belonged and about an assertion or loss of identity⁶³⁸.

For most parts of the continent, however, the introduction of property rights and other privileges that are tied to 'being autochthonous' have created a rupture as "land and land rights play an important role in the politics of belonging in Africa due to the fact that rights to land are intimately tied to membership in specific communities"⁶³⁹. Peter Geschiere relates the fate of the Maka, a forest community in Cameroon, which had been very open and inventive in creating kinship links. As soon as ownership of the (very valuable) forest became tied to the status as indigenous inhabitants, villagers began to question each other's claims to belonging, shattering the previous openness⁶⁴⁰. Autochthony as the main criterion for rights is also problematic for certain groups that are clearly indigenous yet do not qualify for the status of an autochthonous group because the state as the ultimate judge of belonging decides otherwise. This affects in particular pastoralist and other non-sedentary groups with little clout like the Baka 'Pygmies' of Cameroon that cannot be tracked as easily by the state and appear to lack the close tie to a specific plot of land that is so crucial to the discourse of autochthony⁶⁴¹. The same applies to the indigenous Twa in Congo which are discriminated against by a land regime that does not recognize the rights of nomadic groups and collectives as well as by the fees and literacy required to obtain title deeds⁶⁴².

On the local level, then, interest in autochthony and 'being indigenous' stems from a search for prosperity and security of tenure amidst underdevelopment and a non-delivering state. After all, most of the rural masses did not develop an attachment to the nation which went beyond expected benefits. "The jubilant crowds celebrating independence were not inspired by a 'national consciousness' [...] They were inspired by the hope of more and better food and shelter"⁶⁴³.

⁶³⁵ Bayart, Jean-François; Geschiere, Peter and Nyamnjoh, Francis, "Autochtonie, démocratie et citoyenneté en Afrique", *Critique internationale*, No. 10, January 2001, pp. 177-194, p. 180.

⁶³⁶ Ibid. See also Herbst (2000), pp. 20-21.

⁶³⁷ Lentz, Carola. *Land, Mobility, and Belonging in West Africa*. Bloomington, IN: Indiana University Press, 2013.

⁶³⁸ Mitchell, Laura. *Belongings: property, family and identity in colonial South Africa, an exploration of frontiers, 1725 – c. 1830*. New York, NY: Columbia University Press, 2009, p. 29.

⁶³⁹ Lentz, Carola, "Land and the politics of belonging in Africa", in Chabal, Patrick; Engel, Ulf and de Haan, Leo (eds.) *African Alternatives*. Leiden: Brill, 2007, pp. 37-58, p. 37.

⁶⁴⁰ Geschiere (2009), pp. 80-96.

⁶⁴¹ Leonhardt, Alec, "Baka and the Magic of the State: Between Autochthony and Citizenship", *African Studies Review*, Vol. 49, No. 2, Sep. 2006, pp. 69-94.

⁶⁴² Barume, Albert Kwokwo. *Heading Towards Extinction? Indigenous Rights in Africa: The Case of the Twa of the Kahuzi-Biega National Park, Democratic Republic of Congo*. Copenhagen: International Work Group for Indigenous Affairs, 2000, p. 100.

⁶⁴³ Davidson (1992), p. 185.

Competing claims to land encourage the politicization of identity as a means to protect and promote claims to ethnic *terroir*⁶⁴⁴. Functional concerns, most importantly access to land and forest, also inspire the redefinition of ethnicity: “While some communities may be willing to accept new members as a bolster to their numbers and political weighting, others may reject hangers-on if they view them to be a drain on community resources”⁶⁴⁵. But the language of autochthony has also become popular in places where no obvious motive for gain is involved. In this way, the dichotomy between ‘sons of the soil’ and ‘strangers’ has become a standard trope of conversations and media discourse in the Democratic Republic of Congo, partly as a defensive mechanism directed against all Rwandan speakers because Rwanda is one of the sponsors of war in the country⁶⁴⁶.

In the course of the growing importance of and reference to the status of being native and indigenous to a locality, a new distinction between national citizenship and local citizenship has been observed, with the latter the primary locus of autochthony discourse: “While national citizenship rarely – if at all – discriminates between groups, or between men and women, local citizenships are segmented to the detriment of certain categories of people”⁶⁴⁷. Abah and Okwori tell the story of Agaba who has lived in Kano in Northern Nigeria for over 30 years where he has fathered twelve children. Yet these children are denied scholarships at university on the grounds that ‘they are not from Kano’⁶⁴⁸. The confusing and potentially bloody kaleidoscope of citizenship is well-characterized by Nyamnjoh’s depiction of migrants in Southern Africa that are “trapped in cosmopolitan spaces in a context where states and their hierarchy of ‘privileged’ citizens, ethnic minorities and others who straddle borders are bound to feel like travellers in permanent transit”⁶⁴⁹. This construction of local (or localized) communities and local citizenship is not only a bottom-up grassroots project by the local populations themselves. The state, international development agencies, conservationist groups or industrial companies may all participate in the creation of community and local citizenship⁶⁵⁰.

Moreover, there appears to be an intimate link between the politics of autochthony and overbearing and authoritarian structures of governance since “the appeal to the indigenous often becomes an appeal to diachronic oppressive social structures”⁶⁵¹. Irrespective of whether it is spurred by grassroots movements or orchestrated from the top, accentuating autochthony in the political sphere and emphasizing the disparity in rights, citizenship status and social standing between *indigènes* and *allogènes* has a high incidence of leading to outbreaks of violence⁶⁵². Bronwen Manby

⁶⁴⁴ Bates. *When things fell apart* (2008), p. 92, 133.

⁶⁴⁵ Lynch (2006), p. 59.

⁶⁴⁶ Jackson, Stephen, “Sons of Which Soil? The Language and Politics of Autochthony in Eastern D.R. Congo”, *African Studies Review*, Vol. 49, No. 2, Sep. 2006, pp. 95-123.

⁶⁴⁷ Lund, Christian, “Property and Citizenship: Conceptually Connecting Land Rights and Belonging in Africa”, *Africa Spectrum*, Vol. 46, No. 3, 2012, pp. 71-75, p. 74.

⁶⁴⁸ Abah, Oga Steve and Okwori, Jenkeri Zakari, “Agendas in Encountering Citizens in the Nigerian context”, *IDS Bulletin*, Vol. 33, No. 2, 2002, pp. 24-30.

⁶⁴⁹ Nyamnjoh, Francis B. *Insiders and outsiders: citizenship and xenophobia in contemporary Southern Africa*. Dakar: Codesria Books, 2006, p. 73.

⁶⁵⁰ Jacob, Jean-Pierre and Le Meur, Pierre-Yves, “Citoyenneté locale, foncier, appartenance et reconnaissance dans les sociétés du Sud”, in Jacob, Jean-Pierre and Le Meur, Pierre-Yves (eds.) *Politique de la terre et de l'appartenance: Droits foncier et citoyenneté locale dans les sociétés du Sud*. Paris: Karthala, 2010, pp. 1-33, p. 21.

⁶⁵¹ Zein-Elabdin, Eiman Osman, “Postcoloniality and Development: Development as a Colonial Discourse”, in Keita, Lansana (ed.) *Philosophy and African Development. Theory and Practice*. Dakar: CODESRIA, 2011, pp. 215-230, p. 226.

⁶⁵² Geschiere (2009).

argues how violence has been sparked by the denial of citizenship rights to large numbers of people. This argument is backed by a telling quote from an Ivoirian fighter which leads off her book: “We needed a war because we needed our identity cards”⁶⁵³. The greater incidence of autochthony-inspired violence is thus not a coincidence. Autochthony and statehood are closely intertwined in that the state seeks to justify its existence by creating crises that it then proceeds to provide solutions for. Discourses of autochthony provide an excellent pretext for the state to act as arbiter between different local groups – if need be by force⁶⁵⁴.

4.2.3.3. *Religion and the nation: fighting for adherents*

Religion has not played a formative role in the construction of African nations in the period since decolonization. Yet, while religion did not constitute the kernel of the aspiring African territorial nation-states, it has in several countries played a key part in undermining and subverting national unity. In a sense, priests, mullahs, sheikhs and shamans are just as much a challenge to national unity and the state’s paramount role as the embodiment of the nation as tribal chiefs (although in some cases they may be identical). The two major world religions, Christianity and Islam, are also the two biggest creeds on the African continent.

A number of countries more or less equally split between Muslims and Christians (the Sahel zone is a rough dividing line) have experienced contestation in which conflict over ownership of the state becomes conflated with struggles over ownership of the nation and what it represents. Two prominent examples are Nigeria and Tanzania, both of which have roughly the same number of Christians as Muslims. Nigeria is sharply divided geographically between a predominantly Muslim North and a predominantly Christian South that compete for ownership of the state⁶⁵⁵. For many Nigerians their sense of belonging to a religious group triumphs over their attachment to citizenship and the national identity⁶⁵⁶. Religion works similar to ethnicity in defining an individual’s and a group’s place in the state’s neo-patrimonial pecking order and this instrumental view of religious belonging as a ticket to resources also “explains why ethnicity sometimes takes precedence over religion, and vice versa”⁶⁵⁷. In Tanzania, on the other hand, political liberalization, growing social inequality along with the state’s contraction opened up conflict over the content of national identity which crystallized along the Muslim-Christian divide⁶⁵⁸. Both Christian and Muslim organizations launched direct challenges to the secular nation-state⁶⁵⁹.

⁶⁵³ Manby, Bronwen. *Struggles for Citizenship in Africa*. London and New York, NY: Zed Books, 2009, p. 1.

⁶⁵⁴ Dunn, Kevin C., “‘Sons of the Soil’ and Contemporary State Making: autochthony, uncertainty and political violence in Africa”, *Third World Quarterly*, Vol. 30, No. 1, 2009, pp. 113-127.

⁶⁵⁵ Ohadike, Don, “Muslim-Christian Conflict and Political Instability in Nigeria”, in Hunwick, John O. (ed.) *Religion and National Integration in Africa: Islam, Christianity, and Politics in the Sudan and Nigeria*. Evanston, IL: Northwestern University Press, 1992, pp. 101-124.

⁶⁵⁶ Ikelegbe, Austine, “The construction of a Leviathan: State building, identity formation and political stability in Nigeria”, in Fawole, W. Alade and Ukeje, Charles (eds.) *The Crisis of the State and Regionalism in West Africa*. Dakar: Codesria, 2005, pp. 71-92.

⁶⁵⁷ Abah and Okwori (2002), p. 28.

⁶⁵⁸ Campbell, John, “Nationalism, ethnicity and religion: fundamental conflicts and the politics of identity in Tanzania”, *Nations and Nationalism*, Vol. 5, No. 1, 1999, pp. 105-125.

⁶⁵⁹ Luanda, Nestor N., “Christianity and Islam Contending for the Throne on the Tanzanian Mainland”, in Olukoshi, Adebayo and Laakso, Liisa (eds.) *Challenges to the Nation-state in Africa*. Uppsala: Nordiska Afrikainstitutet, 1996, pp. 168-182.

But there is also a more principled opposition between organized religion and the territorial African nation. One of the motivating stimuli for the political mobilization of African Muslims *as Muslims* is the perceived failure of the secular nation-state associated with the West⁶⁶⁰. Movements like Nigeria's *Boko Haram*, commonly translated as 'Western education is sacrilegious'⁶⁶¹, explicitly target institutions associated with the Western state like state schools but also fellow Muslims that they deem to be insufficiently devout⁶⁶². A major tenet of fundamentalist Islam that has been on the rise in Africa and beyond from roughly the 1960s⁶⁶³ is the supremacy of the *Umma*, the community of believers, over worldly states. This doctrine thus directly contradicts the territoriality of the national community claimed by the nation-state. Not coincidentally, the closest the African continent has come to a theocracy – the Union of Islamic Courts that ruled the rump state of Somalia until ousted by Ethiopia's army in 2006⁶⁶⁴ – was in an area where state control has virtually collapsed. The northern half of Mali where in 2012 a mélange of Tuareg separatists and *jihadis* unilaterally declared the Islamic Republic of Azawad was well on the way to recreating a similar theocratic dictatorship before the French army intervened⁶⁶⁵.

Regarding Christianity, as a heritage of the subdivision of African colonies into separate spheres of activity for different missionary organisations (Uganda being the prime example) in addition to more recent proselytization efforts by mostly American Evangelicals, many majority Christian countries exhibit a variety of Christian denominations not unlike Switzerland or the Netherlands. Churches therefore do not speak with one voice and actually compete with each other which somewhat weakens their ability to act as a unifying symbol of the nation. An exception is the Ethiopian church which under Emperor Haile Selassie became autocephalic and was transformed into a symbol of the nation⁶⁶⁶. Alas, Christianity can also turn genocidal as, infamously, the Catholic Church was complicit in targeting ethnic Tutsi during the Rwandan genocide⁶⁶⁷ while the Central African Republic has been witnessing since late 2013 the targeted lynching of Muslim citizens by Christians as a form of collective punishment for the crimes committed by the Muslim *Séléka* rebel movement⁶⁶⁸.

⁶⁶⁰ Brenner, Louis, "Muslim Representations of Unity and Difference in the African Discourse", in Brenner, Louis (ed.) *Muslim Identity and Social Change in Sub-Saharan Africa*. Bloomington: Indiana University Press, 1993, pp. 1-20, p. 2.

⁶⁶¹ Nigerian languages like Hausa can be written either in *Ajami*, a transliteration in Arabic script, or in *Boko*, in Latin letters.

⁶⁶² Agbibo, Daniel Egiegba and Maiangwa, Benjamin, "Boko Haram, Religious Violence, and the Crisis of National Identity in Nigeria: Towards a Non-killing Approach", *Journal of Developing Societies*, Vol. 29, No. 4, 2013, pp. 379-403.

⁶⁶³ The Muslim Brotherhood, a supranational organization that originated in Egypt in the late 1920s, has been marked out as one of the stem cells of this fundamentalist revival in the Islamic world.

⁶⁶⁴ Kimenyi, Mwangi S.; Mbaku, John Mukum and Moyo, Nelipher, "Reconstituting Africa's failed states: the case of Somalia", *Social Research*, Vol. 77, No. 4, Winter 2010, pp. 1339-1366.

⁶⁶⁵ Walker, Scott, "Instability in Mali", *New Zealand International Review*, Vol. 38, No. 4, 2013, pp. 10-12.

⁶⁶⁶ Bandyopadhyay, Sanghamitra and Green, Elliott, "Nation-Building and Conflict in Modern Africa", *World Development*, Vol. 45, 2013, pp. 108-118, p. 110.

⁶⁶⁷ Longman, Timothy, "Church Politics and the Genocide in Rwanda", *Journal of Religion in Africa*, Vol. 31, No. 2, 2001, pp. 163-186. A journalist's account points out that the Catholic church continues to deny its involvement and protects the perpetrators from among its ranks. McGreal, Chris. *Chaplains of the Militia: The tangled story of the Catholic church during Rwanda's genocide*. Ebook: Guardian Shorts, 2014.

⁶⁶⁸ Bouckaert, Peter. *They came to kill. Escalating atrocities in the Central African Republic*. Human Rights Watch, December 2013.

4.2.3.4. Justice and Reconciliation

For the special category of countries that have experienced civil war or other forms of substantial violence of citizens against each other, the question of how to atone for the crimes committed while at the same time enabling a collective future is inevitably part of efforts to create or recreate a national community and national identity. The key problem that each country has to face is on the one hand how to balance between the countervailing poles of justice and reconciliation and on the other whether to rely on an international or at least external institution or broker or whether to seek indigenous and crypto-traditional solutions.

South Africa's Truth and Reconciliation Commission has become emblematic across the continent and indeed the globe as a model of success: in exchange for a wide-ranging amnesty, former perpetrators of crimes during the apartheid regime had to come clear and confess their involvement to a public body. This approach was explicitly meant as a contribution to nationbuilding as "[t]ruth commissions, like all nation-building processes, construct a revised national history and [...] write into being a new 'collective memory'"⁶⁶⁹. Yet, while being able to voice their grievances was important to many victims, a major problem of the South African process has been that truth-telling has not been accompanied by compensation for past victims, leaving many feeling slighted and disaffected⁶⁷⁰. In the wake of the 1994 genocide, Rwanda for its part pursued a unique path in reinventing a traditional form of conflict resolution called *gacaca* courts which were set up all over the country and run by the community – not professional judges or lawyers. This system was successful in alleviating the backlog of cases, in creating popular ownership of the process and in some areas enabled restorative justice and a first step on the long road to healing⁶⁷¹, but it also opened the doors to arbitrary arrests, lack of fairness and accusations of victors' justice carried out by the Tutsi-led government against the Hutu⁶⁷².

Other countries like Sierra Leone tried a combined approach by employing traditional methods of reconciliation as part of their post-war healing process. However, although the country's Truth and Reconciliation Commission involved traditional authorities, "it largely eschewed local rituals of cursing, cleansing and purification, which may have limited its ability to induce confessions and effect reconciliation"⁶⁷³. In Mozambique, on the other hand, the two parties to the civil war opted for "a culture of denial", which in turn led to the emergence of grassroots practices to fill the void. Practices that are rooted in the evocation of spirits to cope with the memories of violence and injustice⁶⁷⁴.

⁶⁶⁹ Wilson, Richard A. *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State*. Cambridge et al.: Cambridge University Press, 2001, p. 14.

⁶⁷⁰ Gibson, James L., "Truth, Justice, and Reconciliation: Judging the Fairness of Amnesty in South Africa", *American Journal of Political Science*, Vol. 46, No. 3, July 2002, pp. 540–556.

⁶⁷¹ Clark, Phil. *Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers*. Cambridge et al.: Cambridge University Press, 2010, pp. 342–43.

⁶⁷² Sarkin, Jeremy, "The Tension between Justice and Reconciliation in Rwanda: Politics, Human Rights, Due Process and the Role of the *Gacaca* Courts in Dealing with the Genocide", *Journal of African Law*, Vol. 45, No. 2, 2001, pp. 143–172.

⁶⁷³ Alie, Joe A. D., "Reconciliation and traditional justice: tradition-based practices of the Kpaa Mende in Sierra Leone", in Huyse, Luc and Salter, Mark (eds.) *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences*. Stockholm: International IDEA, 2008, pp. 123–146, p. 145.

⁶⁷⁴ Igreja, Victor and Dias-Lambranca, Beatrice, "Restorative justice and the role of the magamba spirits in post-civil war Gorongosa, central Mozambique", in Huyse, Luc and Salter, Mark (eds.) *Traditional Justice and*

Yet another route taken is to refer cases to the International Criminal Court (ICC) in The Hague – as happened, among other cases, in Liberia and the DRC – which has the advantage of preventing revenge justice and minimizing the threat of a renewed escalation of violence surrounding the trial. But it also effectively means that locally there is less of a sense of closure, especially if as for example in Côte d'Ivoire only a few high-profile figures are prosecuted while the vast majority of perpetrators of crimes against humanity continue to live in splendid impunity⁶⁷⁵. Finally, the International Criminal Court can involuntarily help to galvanize the national community as has been happening in Kenya whose president Uhuru Kenyatta is sought for instigating ethnic violence following the national elections in 2007 but has successfully used the indictment to boost his standing at home and on the continent as the African Union resolved that African heads of state ought to be exempt from the ICC⁶⁷⁶.

4.2.3.5. *The New Nationalism – a summary*

In contrast to early post-independence nationalism, the 'new nationalism' in Africa is characterized by the designation and exclusion of 'strangers' that do not belong to the national community. Maintaining control over the levers of power in systems with free elections is a key driver for these top-down manipulations of citizenship. A similar logic informs the tendency to have more closed definitions of ethnic and local belonging in an environment where being indigenous can be a source of privilege and property; but autochthony is just as much a source of disunity and conflict. Religion, meanwhile, though only rarely an ally of state nationalism, has been a major factor in undermining nationbuilding by stirring sectarian violence and providing an alternative supra-national identity to compete with the territorialized nation-state. Processes of justice and reconciliation in countries that had witnessed large-scale internal violence are crucial for national cohesion yet have a decidedly mixed record regardless of which indigenous or international model has been pursued.

4.3. The African nation-state vis-à-vis the European nation-state

As the description of developmental trends in African political and social organization from colonial times to the present (Chapter 3) and the typology of postcolonial African states and nations (Ch. 4.1 & 4.2) have amply demonstrated, the typical and typified African nation-state differs substantially both from the ideal-type and the reality of the Western European nation-state. This section is meant to point out the similarities and especially the differences in a comprehensive manner so as to justify once more the choice of contrasting South Sudan's evolution as a state and nation to its African peers rather than to the standard model of statehood and nationhood derived from the peculiar historical circumstances of (Western) Europe.

The typified postcolonial African state and its governing elites clearly strive for a replication of the idealized European-style state in trying to establish hegemony in society, a modern welfare state, centralized authority and a monopoly of violence. In actual fact, however, the postcolonial African state diverges substantially from its declared aim and self-image and from the European example.

Reconciliation after Violent Conflict: Learning from African Experiences. Stockholm: International IDEA, 2008, pp. 61-83, pp. 80-81.

⁶⁷⁵ Singh, Param-Preet. *Turning Rhetoric into Reality: Accountability for Serious International Crimes in Côte d'Ivoire*. Human Rights Watch, April 2013.

⁶⁷⁶ Mueller, Susanne D., "Kenya and the International Criminal Court (ICC): politics, the election and the law", *Journal of Eastern African Studies*, Vol. 8, No. 1, 2014, pp. 25-42.

For one, control over the state's territory was not acquired or won on its own accord – either militarily or otherwise – but handed over and gifted by the exiting metropolitan colonial powers. In contrast to international sovereignty which was granted without conditions or the need to prove genuine statehood (by whatever criteria), domestically the typified African state is far from possessing a monopoly of violence as alternative actors persist on the state's soil. Moreover, the state generally lacks legitimacy among the populace due to its failure or inability to deliver the services and benefits of a modern welfare state and the lack of democratic accountability. Frequently, the state institutions bequeathed by the colonialists have not changed their authoritarian and oppressive modus operandi. In fact, in contrast to the European model, state and society are not separate but closely intertwined. Corruption and state capture for private or group interests and enrichment are rife as a distinct public ethos among state employees is clearly lacking while power and resources are concentrated in the hands of a few powerbrokers in the capital.

Much the same can be said for the contrast between nationalism and nationhood in Europe and Africa whose leaders imported the concept of territorialized national unity. Parallels exist in the initially elite-driven nature of nationalism designed to trickle down to wider strata of society through education and public spectacles as well as in the designation of external and internal enemies as a negative other to strengthen group cohesion. Attempts to suppress alternative loyalties to entities other than the territorial nation-state are likewise a common feature of both continents. In contrast to Europe, however, the dissemination of state nationalism generally remained an elite project that met with little appreciation and take-up by the population at large that instead – disappointed and disillusioned with the postcolonial state and its leaders – sought refuge in non-state identities, frequently ethnic groups. Othering also proved divisive rather than unifying. Once the immediate memory of colonial oppression had worn off, states in their search for a new 'other' turned less to neighbouring states – irredentism being a very rare occurrence on the continent – but to groups on the inside. Yet, differentiating between those that are 'true' nationals and those that for various reasons, e.g. membership in a different ethnic or religious group or alleged lack of ties to the land, are deemed to belong to a lesser degree to the nation did not succeed in creating a homogenous national community. A crucial factor herein is the ethnic diversity found in most African countries which makes majoritarian nationbuilding on the European model prohibitively challenging. Finally, wars may have been instrumental in forging states and nations in Europe but in Africa most wars divide rather than unite since they are fought within and not between countries and involve a variety of non-state parties that also target the civilian population.

Hence, in the coming chapters it will emerge how and to what extent South Sudan abides by the typology of the African nation-state of the postcolonial era, which should furnish more valuable insights than a contrast to a nation-state modelled on an ideal-typical European country.

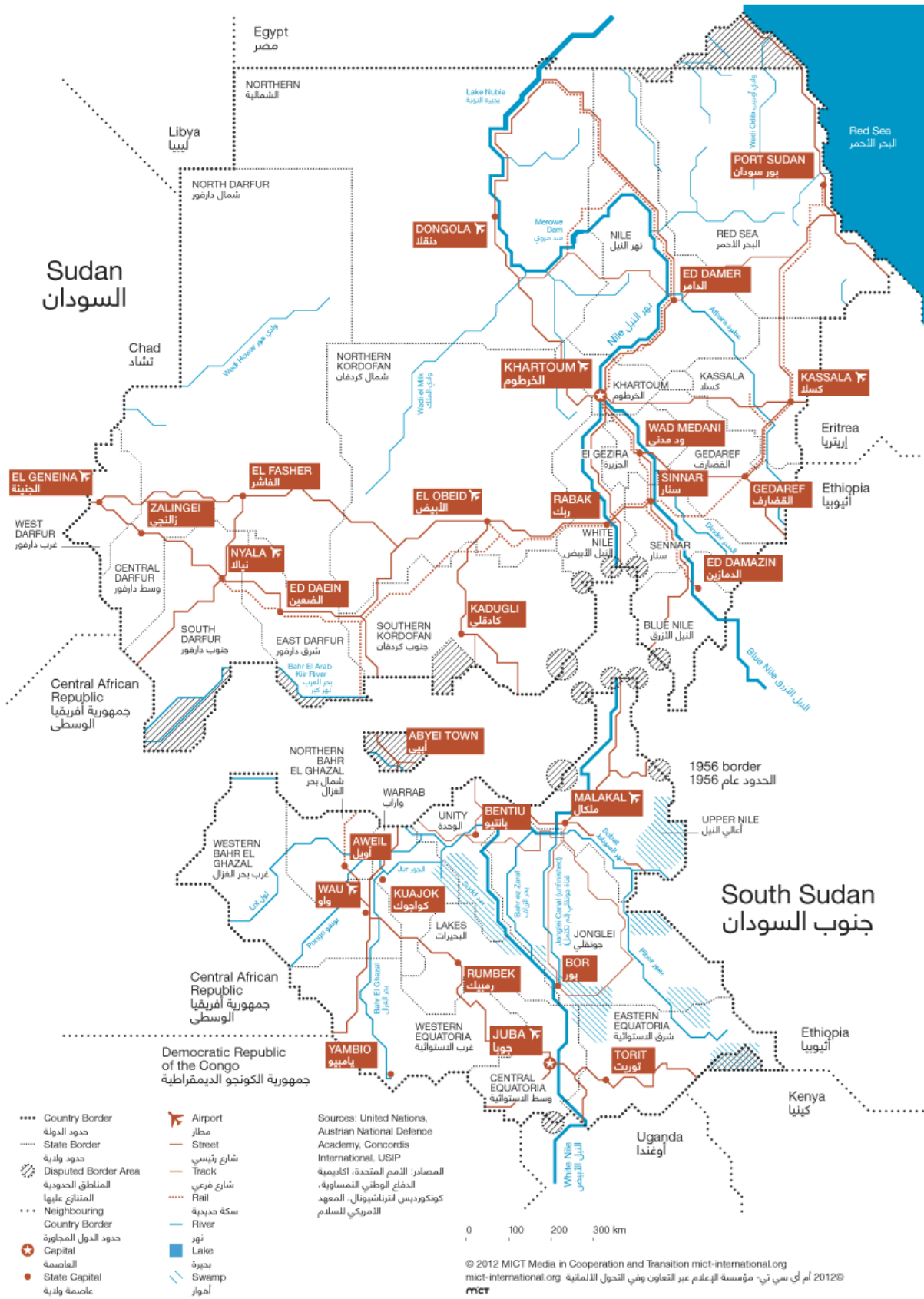
5. A very brief history of South Sudan

Akin to the historical overview of trends and lines of development in African history (Chapter 3), this chapter is meant to introduce some broad lines of historical developments that have shaped the area of Africa that is today the territory of the Republic of South Sudan as well as the peoples that inhabit South Sudan. All in all, this introduction to South Sudan's history is to facilitate the understanding of the concepts and conundrums that will show up in the coming chapters that analyse the South Sudanese state and nation through the lens of the typology developed in the preceding chapters on postcolonial African statehood and nationhood. What is more, while each of the analytical chapters on the South Sudanese nation-state will make mention of particular episodes or historical turning points that are relevant for the respective argument, in order to assess and locate specific events in the grander scheme of South Sudanese history the reader can return to this brief outline. As a matter of course, this section relies on secondary literature and rather than striving for novelty of argument, I will concentrate on those things that I take to be pertinent to contemporary developments in the country. History in this reading mostly refers to political history understood, however, so as to encompass anything with a lasting effect on the local, regional or national organization of political authority, i.e. slave raiding may be deemed social or economic history but is clearly of political relevance then and now.

When discussing and analyzing the history of South Sudan, it is inevitable to look at and consider Sudanese history writ-large. For by far the largest part of its modern history, South Sudan has been shaped by the political union with what is today the Republic of Sudan. South Sudan's status as a disadvantaged, minoritarian and exploited constituent part of a greater political unit – be it Ottoman Egypt, the British Empire or independent Sudan – clearly conditioned events to such an extent that leaving out a depiction of South Sudan's geopolitical environment would be a sign of ignorance. Including the historical circumstances that shaped the South from outside and triggered Southern reaction is, however, not tantamount to denying agency to the inhabitants of Equatoria, Bahr al-Ghazal, Upper Nile etc. altogether. As a matter of fact, establishing a history of South Sudan independent of perspectives shaped either by Western anthropologists or Northern historians is a vital task for intellectuals and politicians alike in contemporary South Sudan and constitutes a major step toward the construction of a genuine nation-state (see Chapter 7.1 on Nationbuilding).

While the focus will lie on the more recent historical past, several historical events from the more distant past are referred to because they are held to be of continuing import to present-day South Sudan and South Sudanese. Divided into four sections, I will start in 5.1 with a look at pertinent events from South Sudan's precolonial history to the end of British colonialism in 1956, then in 5.2 look at the Anya-nya rebellion and the Southern Regional Government until the resumption of war in 1983, move on to 5.3 and the Sudan People's Liberation Army (SPLA)'s war against Khartoum and the intra-Southern fighting in the 1990s all the way until the signing of the Comprehensive Peace Agreement in 2005 before in 5.4 dealing swiftly with the main events of the period of investigation in this research project, i.e. the CPA period from John Garang's death until independence and the rebellion in 2013/14.

Beforehand, the next page shows the two Sudans on a contemporary map courtesy of Media and Cooperation in Transition.



5.1. Precolonial times to Sudanese independence in 1956

The history of South Sudan as it has been narrated by mostly non-South Sudanese historians, archaeologists and anthropologists, habitually starts in 1821 when Muhammad Ali's troops conquered the Funj Sultanate of Sinnar in Northern Sudan and began to establish Ottoman rule over the territories of the pre-2011 Sudan⁶⁷⁷. For the pre-colonial period, it used to be said that "[i]t is impossible to reconstruct any history of the past of the southern Sudan"⁶⁷⁸. In recent decades, some attempts have been made in combining archaeological evidence with oral histories to look behind the precolonial curtain. Of these, Sarah Beswick's work is arguably the most impressive (and audacious) in that it traces Dinka history to 14th and 15th century migrations from the Gezira in Northern Sudan to their present-day abodes⁶⁷⁹. These histories, however, even at their best shed a light only on the collective memory of one particular ethnic group and are not conducive to a national history of South Sudan as opposed to a history of, say, the Zande⁶⁸⁰ or the Shilluk⁶⁸¹.

Even though 1821 is the customary starting point of (South) Sudanese historiography, it was only in 1839-40 that a Turkish sailor managed to navigate the previously impenetrable Sudd swamps on the White Nile and thereby opened up the Southern Sudan to traders⁶⁸² who, failing to find much ivory, resorted to raiding slaves for markets in Egypt and the Middle East⁶⁸³. Hence, the North-South divide in Sudan in its earliest forms dates to the aftermath of the Turco-Egyptian conquest (the so-called *Turkiyya*) as harsher demands in taxation led to hardship in the North, which was one of the main factors for the expansion of slave raiding and trading⁶⁸⁴. The presence of the Egyptian state was manifested in fortified garrisons (*zariba*), which are in many cases, including the capital Juba, the precursors to the modern-day towns in South Sudan.

Egyptian rule came to an end in Sudan when an army raised by Muhammad Ahmad, who had revealed himself to be the Mahdi, i.e. the returning prophet, swept away the Egyptian armies and their British aides in the early 1880s. While parts of Southern Sudan were affected by the *Mahdiyya*, a time that according to Francis Deng is remembered among Dinka as 'the spoiling of the world', large parts of the South were unaffected and "[t]he worst most Southern Sudanese were subjected

⁶⁷⁷ Seri-Hersch makes a convincing case that 1821 is typically chosen as the start of modern Sudanese history not least because it represents the beginning of Europeanization – rational-technological (education, health care) and ideological (administrative state structure) progress – which is widely and mostly tacitly equated with Sudan's modernization. Seri-Hersch, Iris, "La modernité dans l'historiographie du Soudan", *Cahiers d'Études africaines*, Vol. 52, No. 208, 2012, pp. 905-935.

⁶⁷⁸ Arkell, Anthony John. *A history of the Sudan: From the earliest times to 1821*. London: Athlone, 1955, p. 209.

⁶⁷⁹ Beswick, Stephanie. *Sudan's Blood Memory: The Legacy of War, Ethnicity, and Slavery in Early South Sudan*. Rochester: University of Rochester Press, 2006, pp. 25-26.

⁶⁸⁰ Ivanov, Paola. *Vorkoloniale Geschichte und Expansion der Avungara-Azande: eine quellenkritische Untersuchung*. Studien zur Kulturkunde, 114, Köln: Köppe, 2000.

⁶⁸¹ Mercer, Patricia, "Shilluk Trade and Politics from the mid-seventeenth century to 1861", *The Journal of African History*, Vol. 12, No. 3, 1971, pp. 407-426.

⁶⁸² Prunier, Gérard, "Le Sud-Soudan depuis l'indépendance (1956-1989)", in Lavergne, Marc (ed.) *Le Soudan Contemporain*. Paris: Karthala, 1989, pp. 381-433, p. 382.

⁶⁸³ Klein, Martin A., "Slavery and the Early State in Africa", *Social Evolution & History*, Vol. 8, No. 1, March 2009, pp. 168-194, p. 183.

⁶⁸⁴ Johnson, Douglas H. *The Root Causes of Sudan's Civil Wars: Peace or Truce*. Oxford: James Currey, 2011, pp. 4-5.

to were the occasional foraging parties of Mahdist armies based in the north or in Equatoria"⁶⁸⁵. A Nuer army in fact conclusively defeated a Mahdist force near Tonj in 1895⁶⁸⁶.

Following the downfall of the Mahdist state in 1898 and the *reconquista* of Sudan by the British (who established a nominal condominium with Egypt), the pervasive and persistent southern resistance and the British government's view of the people of the South as savages led the British to appoint military men (so-called 'bog barons') as administrators in the South for the first two decades of condominium rule⁶⁸⁷. This 'pacification' campaign led to expeditions against Dinka, Nuer, Anuak and Beir that were first carried out from 1910-13⁶⁸⁸. British colonial rule in Southern Sudan in the initial period consisted in little other than punitive excursions (mostly staffed by Northern Sudanese or Ugandan soldiers) with ample use of brute and homicidal force to subjugate the population. Apart from that, "throughout the Southern Sudan during the 1920s colonial presence was confined to riverbanks and on the northern and southern fringes of pastoral country"⁶⁸⁹ as the number of Europeans per province could be counted on one hand. Outside of the central region, political control of the British was typically much less tight than imperial self-conceptions would have it.

Formalised in 1930 with the introduction of Closed Districts Ordinances, the British pursued what became known as the 'Southern Policy', which effectively separated the Southern provinces from the North in administrative matters but also opened up the South to Christian missionaries while expelling Northern traders (*jalaba*) whose permits were not renewed. Kenneth Henderson, who worked for the Sudan Political Service, describes the thinking of British authorities that inspired the exclusion of Northerners from the Sudan: Northerners were seen as either raiders or poachers, while Northern traders were taking advantage of Nilotes by selling overpriced and useless goods, spreading venereal diseases and generally standing in the way of progress⁶⁹⁰.

British support for Sudanese self-government after the Second World War was a tactical move to dispel Egyptian claims to the Sudan in the immediate post-war period. When Egypt renounced its claims after the 1952 revolution, Britain could not halt the momentum for Sudanese independence while paying no attention to the situation in the South. "In the end, what was negotiated for the South was the transfer of the colonial structure intact from Britain to the northern Sudanese nationalists"⁶⁹¹. A cornerstone in this transition from Southern Policy to reintegration of the two unequal halves was the Juba Conference in 1947 between Southern chiefs and representatives of the North. While the details of the two-day event are hotly contested up to the present day⁶⁹², it is

⁶⁸⁵ Johnson, Douglas H. "Prophecy and Mahdism in the Upper Nile: An Examination of Local Experiences of the Mahdiyya in the Southern Sudan", *British Journal of Middle Eastern Studies*, Vol. 20, No. 1, 1993, pp. 42-56, p. 46.

⁶⁸⁶ Alier, Abel, "The Southern Sudan Question", in Wai, Dunstan M. (ed.) *The southern Sudan: The problem of national integration*. London: Cass, 1973, pp. 11-27, p. 13.

⁶⁸⁷ Collins, Robert O. *Shadows in the Grass: Britain in the Southern Sudan, 1918-1956*. New Haven: Yale University Press, 1983, p. 14.

⁶⁸⁸ MacMichael, Harold A. *The Sudan*. London: Ernest Benn, 1954, p. 92.

⁶⁸⁹ Burton, John W., "Pastoral Nilotes and British Colonialism", *Ethnohistory*, Vol. 28, No. 2, Spring 1981, pp. 125-132, p. 127.

⁶⁹⁰ Henderson, Kenneth D. *Sudan Republic*. London: Benn, 1965, pp. 162-63.

⁶⁹¹ Johnson, Douglas H. *The Root Causes* (2011), p. 22.

⁶⁹² Different versions argue that the Southern members of the conference were duped with false promises, bribed, had a genuine change of heart, etc.

certain that after rejecting integration into an independent Sudan on the first day, Southern chiefs agreed to it on the second and final day of the meeting.

5.2. Anyanya rebellion to the end of the Southern regional government in 1983

After the first Sudanese elections in 1953 in which the hastily founded Southern Party competed as sole representative of the Southern provinces, the Sudanization of the civil service introduced the theme of Southern marginalization in independent Sudan as Southerners – for lack of qualification as much as for Northern discriminatory selection procedures – only received a few subaltern posts in the state's administrative structure⁶⁹³. Parliament in Khartoum was dominated by two political parties, both affiliated to Muslim sects, that have persisted as stalwarts of Sudanese politics ever since: the Democratic Unionist Party (DUP) relying on support from the Khatmiyya order and the Umma Party headed by the successors to the Mahdi, the Ansar. Parliamentarianism, however, ended quickly as a military junta headed by General Abboud seized power from 1958 until it was toppled by popular protests in 1964. It was during this period that the first civil war in Southern Sudan got underway, driven by exclusion, racist attitudes and infringement on the lives of Southern Sudanese. "While the [Abboud] military regime did examine possibilities of forwarding economic development in the Southern Sudan, the main concern of government policy lay in Arabization and Islamization"⁶⁹⁴. Mission schools were closed down, all missionaries expelled in 1964 and Arabic enforced over English as language of instruction⁶⁹⁵. As such, the South between independence and 1972 has been likened to an internal colony⁶⁹⁶.

The canonical starting point of the *Anyanya*⁶⁹⁷ war is the rebellion in 1955 by the army garrison in Torit (present-day Eastern Equatoria), which refused to relocate to Northern Sudan. Convincing arguments have been presented that the smouldering conflict only erupted into full-scale guerrilla warfare sometime during the early-to-mid 1960s⁶⁹⁸. Throughout much of this period, the Southern rebels were marred by internal quarrels, lack of coordination between political and military actors and their inability to muster significant international support for their cause which had shifted from autonomy to self-determination. Towards the end of the 1960s, the Southern movement was increasingly streamlined under the leadership of General Joseph Lagu (partly thanks to his access to Israeli military aid) while in the North in 1969 a coup by Jamal Nimeiry ended the democratic interlude. The situation in Southern Sudan between the Anya-nya rebels and the Sudanese army had reached a state of military parity which along with the urgent need for a major political success

⁶⁹³ Grandin, Nicole, "Sud-Soudan: une élite dans l'impasse", *Cahiers d'études africaines*, Vol. 13, No. 49, 1973, pp. 158-162, p. 161.

⁶⁹⁴ Niblock, Tim. *Class and power in Sudan: the dynamics of Sudanese politics, 1898-1985*. Basingstoke: Macmillan, 1987, p. 224.

⁶⁹⁵ Sanderson, Lilian P., "Education in the Southern Sudan: The Impact of Government-Missionary-Southern Sudanese Relationships upon the Development of Education during the Condominium Period, 1898-1956", *African Affairs*, Vol. 79, No. 315, April 1980, pp. 157-169, p. 168.

⁶⁹⁶ Heraclides, Alexis, "Janus or Sisyphus? The Southern Problem of the Sudan", *The Journal of Modern African Studies*, Vol. 25, No. 2, June 1987, pp. 213-231, p. 217.

⁶⁹⁷ Anya-nya is the name for a snake venom and after initially only referring to one of the Southern factions later came to symbolize the entire armed struggle for Southern independence.

⁶⁹⁸ Rolandsen, Øystein H., "The making of the Anya-Nya insurgency in the Southern Sudan, 1961-64", *Journal of Eastern African Studies*, Vol. 5, No. 2, May 2011, pp. 211-232.

persuaded Nimeiry to negotiate the 1972 Addis Ababa Peace Agreement that established regional autonomy in the South under a Southern Regional Government (SRG)⁶⁹⁹.

The solidity and functioning of the peace deal, however, rested less on institutional safeguards but on the personal relationship and trust between Nimeiry and the head of the SRG, Abel Alier⁷⁰⁰. At the same time, this personalization weakened the institutions designed to manage North-South relations, e.g. the allocation of budgetary funds to the South⁷⁰¹, which became evident when Alier was replaced by Joseph Lagu in 1978. During this period, tension between different Southern regions and ethnic groups intensified – especially between Dinka and Equatorians – which triggered a debate over division (*kokora*) of the South into three sub-regions. Alier himself blames Nimeiry's reconciliation with the Islamist forces in 1977 and the Chevron oil finds in Southern Sudan in 1978 for the unravelling of the Addis Ababa Accords⁷⁰². Nimeiry's unilateral decision to abrogate Southern regional autonomy, the failure to stand by promises of development and financial transfers to the South as well as the introduction of sharia and *hudud* punishments⁷⁰³ in what became known as the September Laws all combined to lead to a resumption of civil war in 1983.

5.3. New Sudan to the Naivasha Peace Agreement in 2005

Actual fighting broke out over Khartoum's decision to relocate Southern battalions consisting of many former Anyanya fighters to the North for training purposes. This order met with resistance and led to an attack by the Sudanese Armed Forces on Bor, Pibor and Pachala in May 1983⁷⁰⁴. It took about a year of serious infighting until John Garang had achieved supremacy inside the newly founded Sudan People's Liberation Movement/Army (SPLM/A) and until the SPLM/A had taken on the leadership of Southern Sudanese resistance against the Khartoum government. Crucially, the SPLM/A which in the period until 1991 relied heavily on support from the Communist Derg regime in Ethiopia, did not call for Southern secession but for a reformed decentralized 'New Sudan'⁷⁰⁵. The SPLM/A's insistence on fighting for the liberation of the whole of Sudan deprived the Khartoum government of the propaganda tool of 'anti-secessionism', forcing it to rely instead on calls for jihad and defence of Arab civilization⁷⁰⁶.

Fighting in the South continued after Nimeiry had been ousted from power in 1985. A critical role in the continuation of fighting in the South was the failure by the different governments in the democratic interlude (1985-89) to abrogate the September Laws, with the final straw being Prime Minister Sadiq al-Mahdi's refusal to accede to the Sudan Peace Initiative that DUP and SPLM had

⁶⁹⁹ Howell, John F., "Horn of Africa: Lessons from the Sudan Conflict", *International Affairs*, Vol. 54, No. 3, July 1978, pp. 421-436, pp. 425-27.

⁷⁰⁰ Kasfir, Nelson, "Southern Sudanese Politics since the Addis Ababa Agreement", *African Affairs*, Vol. 76, No. 303, 1977, pp. 143-166, p. 147.

⁷⁰¹ Malwal, Bona. *People and power in Sudan: the struggle for national stability*. London: Ithaca Press, 1981, p. 213.

⁷⁰² Alier, Abel. *Southern Sudan: Too Many Agreements Dishonoured*. Exeter: Ithaca Press, 1990.

⁷⁰³ *Hudud* refers to predetermined punishments for certain classes of crimes like theft, apostasy or adultery that include flogging, the amputation of hands and capital punishment.

⁷⁰⁴ Scott, Philippa, "The Sudan Peoples' Liberation Movement (SPLM) and Liberation Army (SPLA)", *Review of African Political Economy*, No. 33, War and Famine, Aug. 1985, pp. 69-82, p. 70.

⁷⁰⁵ Garang, John. *The call for democracy in Sudan*. London: Kegan Paul International, 1992, p. 203.

⁷⁰⁶ Kok, Peter, "Between Radical Restructuring and Deconstruction of State Systems", *Review of African Political Economy*, Vol. 23, No. 70, Dec. 1996, pp. 555-562, p. 561.

negotiated in November 1988⁷⁰⁷. The overall situation changed once again with the coup d'état in 1989 which brought Omer al Bashir to power, backed by Hassan al Turabi's National Islamic Front (NIF), the political wing of the Sudanese Muslim Brotherhood⁷⁰⁸. The second major sea-change in Southern Sudanese affairs was the fall of the Derg regime in the wake of the end of the Cold War, which meant that the SPLM/A lost its foremost backer as well as its rear bases in Ethiopia. Also in 1991, the movement suffered a split whose ripple effects are still felt today: two senior figures of the movement, Riek Machar and Lam Akol, tried to depose John Garang and, failing to succeed immediately, set up a separate wing of the SPLM/A in Nasir (hence commonly referred to as 'Nasir-split').

Much of the 1990s was characterized by fighting between the SPLM and a varying number of Southern militias, many of whom (including Machar and Akol⁷⁰⁹) somewhat paradoxically both stood for secession *and* received arms and support from the government in Khartoum that used them as proxy battalions⁷¹⁰. The SPLM/A, at the same time, cooperated with the Northern Sudanese opposition organized in the National Democratic Alliance. Only after hundreds of thousands of people, most of them civilians, had died – an estimate of all people that died as a result of the war in Southern Sudan and the Nuba Mountains for only the period 1983-1998 arrives at a figure of more than 1.9 million deaths⁷¹¹ – and many more had fled did Machar and Garang finally reconcile in 2002⁷¹².

The idea of allowing Southern self-determination was first broached in 1994 by the regional organization Inter-Governmental Authority on Drought and Development (IGADD) and the Sudanese government concluded an agreement with non-SPLA southern factions, the 1997 Khartoum Agreement, which accorded the right of self-determination and possible secession to the South⁷¹³. Right around 1998/99, the U.S., UK and Norway all became more involved in cooperating with the IGAD (Intergovernmental Authority on Development)-led process of negotiating between SPLM and the Khartoum government⁷¹⁴. It took, however, for the completion of the oil pipeline to Port Sudan in 1999, the falling out of al Turabi and Bashir in 2000 and the terror attacks in the U.S. in 2001 for peace negotiations with the SPLM/A to progress. Negotiations that came to a breakthrough with the 2002 Machakos Protocol that divvied up oil revenue between North and South and included the provision of an independence referendum that paved the way to peace.

⁷⁰⁷ Bechtold, Peter K., "More turbulence in Sudan: a new politics this time?", *Middle East Journal*, Vol. 44, No. 4, Autumn 1990, pp. 579-595, p. 589.

⁷⁰⁸ Warburg, Gabriel, "Mahdism and Islamism in Sudan", *International Journal of Middle East Studies*, Vol. 27, No. 2, May 1995, pp. 219-236, pp. 230-31.

⁷⁰⁹ In a book from 2003, Akol claims that the Nasir faction's most important achievement was to bring Southern self-determination back onto the political agenda, thus forcing John Garang to adjust his position. Akol, Lam. *SPLM/SPLA: The Nasir Declaration*. Lincoln, NE: iUniverse, 2003, p. 277.

⁷¹⁰ Thomas, Edward, "The New Governments in Juba and Khartoum – and How to Oppose Them", in Heinrich Böll Foundation and Weis, Toni (eds.) *Sudan after Separation. New Approaches to a New Region*. Vol. 28 in the publication series on democracy. Berlin: Heinrich Böll Foundation, 2012, pp. 21-34, p. 23.

⁷¹¹ Burr, Millard. *Quantifying Genocide in Southern Sudan and the Nuba Mountains. Working Document II*. Washington, D.C.: U.S. Committee for Refugees, 1998.

⁷¹² Johnson, Douglas H. *The Root Causes* (2011), pp. 114-126.

⁷¹³ Woodward, Peter, "Peacemaking in Sudan", in Furley, Oliver and May, Roy (eds.) *Ending Africa's Wars: Progressing to Peace*. Aldershot: Ashgate, 2006, pp. 167-178, pp. 168-169.

⁷¹⁴ Healy, Sally, "Seeking peace and security in the Horn of Africa: the contribution of the Inter-Governmental Authority on Development", *International Affairs*, Vol. 87, No. 1, 2011, pp. 105-120, p. 111.

Both Bashir's National Congress Party and the SPLM/A agreed to peace negotiations because it presented the best way for each to stay in power. Domestically, the NCP (National Congress Party) was struggling with declining popularity and legitimacy in the North⁷¹⁵. On the external front, Sudan's image had been tarnished since the US imposed sanctions in 1997, the leadership had been accused of supporting the US embassy bombings in 1998 and was facing a post-9/11 Bush administration bent on the war on terror⁷¹⁶. The SPLM/A for its part was also losing support from regional allies (Ethiopia and Eritrea), faced increasing criticism from NGOs for human rights violations and internally over John Garang's style of leadership and 'New Sudan' vision⁷¹⁷. For Hilde Johnson, the current head of the UN mission in South Sudan, further driving factors behind the eventual signing of the Comprehensive Peace Agreement in 2005 were the two dominant personalities of John Garang, firmly in charge of the SPLM/A edifice and decision-making, and Sudanese Vice-president Ali Osman Taha⁷¹⁸.

5.4. Comprehensive Peace Agreement to Independence and beyond

Since the period from the signing of the peace agreement in 2005 all the way to 2014 is the main subject of the application of the typology of the postcolonial African nation-state to the realities in South Sudan, this final section will only touch upon a few outstanding events as more detailed descriptions and analyses will ensue in the following chapters.

The CPA on the one hand installed a Government of National Unity which shared power in Khartoum between NCP and SPLM but on the other hand established an autonomous Southern region governed by the Government of Southern Sudan (GoSS) under SPLM leadership and also provided for a referendum on the future status of the South (independence or union with the North) to be held after a six-year interim period. The period's formative event occurred right at the start as John Garang died in a helicopter crash in Uganda in July 2005 and was succeeded at the helm of SPLM and GoSS by his deputy Salva Kiir who was much less committed than Garang to the idea of a united New Sudan. War between Southern factions finally ended in 2006 with the Juba Declaration that integrated the last major remaining militia, the South Sudan Defence Forces (SSDF), into the national army⁷¹⁹.

Relations between the CPA's signatories remained tense as implementation of agreements was slow, there were mutual accusations of foul play and disagreement over the three disputed territories (Abyei, Southern Kordofan, Blue Nile)⁷²⁰. The SPLM briefly left the Government of National Unity in 2007 but a return to full-scale war was avoided (the Sudanese army, however, twice raided the contested area of Abyei) while Khartoum was dealing with war in Eastern Sudan (until 2006) and Darfur (since 2003). The first national census since 1955 was completed in 2008 and national

⁷¹⁵ Rogier, Emeric. *No More Hills Ahead? The Sudan's tortuous ascent to heights of peace*. The Hague: Netherlands Institute of International Relations, Clingendael Security Paper, No. 1, August 2005, p. 145.

⁷¹⁶ Ahmed, Einas, "The Comprehensive Peace Agreement and the Dynamics of Post-Conflict Political Partnership in Sudan", *Africa Spectrum*, Vol. 44, No. 3, 2009, pp. 133–147, p. 136.

⁷¹⁷ Ibid, p. 137.

⁷¹⁸ Johnson, Hilde. *Waging Peace in Sudan: the inside story of the negotiations that ended Africa's longest civil war*. Brighton: Sussex Academic Press, 2011.

⁷¹⁹ Young, John. *The South Sudan Defence Forces in the Wake of the Juba Declaration*. Geneva: Small Arms Survey, November 2006.

⁷²⁰ Ahmad, Abdel Ghaffar Mohamed. *Sudan peace agreements: Current challenges and future prospects*. Bergen: Chr. Michelsen Institute, 2010, p. 8.

elections were held in 2010 that the NCP easily won in the North due to a boycott by opposition parties while the SPLM nearly swept the South and Kiir won the presidency with 93% of the vote. In the independence referendum in January 2011, 98.83% voted for secession and South Sudan became the continent's newest state on 9 July 2011. Sudan had acquiesced to Southern independence but in February 2012 Juba accused Khartoum of stealing oil and decided to halt oil export through the pipeline to Port Sudan. Subsequently, SPLA soldiers attacked and briefly held contested oilfields under Sudanese control in Heglig. As the shortfall in revenue nearly crippled the budget of both Sudans, in September 2012 the two sides agreed to African Union-brokered Peace Accords in Addis Ababa and oil started flowing again in the spring of 2013.

Security in South Sudan initially marked a clear improvement over the pre-CPA period but over the years the situation deteriorated again in certain areas. Cattle raiding increased both in volume and in brutality and successive disarmament campaigns led to widespread human rights abuses. Disbanded militias remained a threat to reassemble and several rebellions sprung up after the 2010 elections as defeated candidates took up arms. Violence affected mostly states in the North of South Sudan with Jonglei state the hardest hit by fighting that increasingly took on ethnic overtones. The most serious threat to South Sudan's internal cohesion, however, originated from frictions inside the hegemonic governing party. As several prominent politicians (Machar, Amum, Wani Igga) announced that they were going to stand against Salva Kiir for head of the SPLM, the president reshuffled the cabinet and disbanded most party organs in 2013. Things came to a head on December 15th 2013 when fighting broke out in SPLA barracks in Juba that soon spread to other parts of the country (Jonglei, Unity, Upper Nile) and pitted the government against a rebel faction SPLM-in-Opposition led by Riek Machar. At the time of writing, the fighting was still going on and expanding to wider areas mostly in the North of South Sudan, about a million South Sudanese are internally displaced and a severe famine is almost certain to hit the country.

6. The state and statebuilding in South Sudan

As the object of our analysis is a sophisticated juxtaposition of typological characterisations of the postcolonial African nation-state with realities on the ground in South Sudan, the presentation of said reality as it transpires from scholarly books and articles, consultancy and advocacy reports, official government sources and statements as well as the South Sudanese press does not and cannot fit neatly into the categories established above (Ch. 4 'The Nation-state in Africa'). Hence, what these sub-chapters aspire to do is to depict the South Sudanese state along the lines of the established types of the African state (see Ch. 4.1) while grouping the findings under sub-headings for greater clarity of presentation and to establish the different aspects of statebuilding that fall under categories as wide as, say, the hybridity of state control.

Analogous to the typology of the postcolonial African state, there will be four sub-chapters on the South Sudanese state. The first section in 6.1 will be on the hybrid quasi state and how it relates to the realities of South Sudan. This will be followed in 6.2 by an analysis of South Sudan as an illegitimate, non-performing and undemocratic state. 6.3 approaches the privatized, corrupted and neopatrimonial aspects of statehood in South Sudan while 6.4 delves into the degree of centralization and devolution of authority and resources in the country. Bookending the chapter in 6.5 is a comparison of the South Sudanese state as depicted in these four categories to the typified African state.

6.1. The hybrid quasi state in South Sudan

For the first category, the hybrid quasi state, there are – in accordance with the typified African state – two topical subsections that deal with varying aspects of what is or is not a hybrid quasi state in South Sudan. Section 6.1.1 is going to assess the degree to which South Sudan is a quasi-state by looking at the country's external sovereignty, i.e. the state's acceptance in the international state system and state control over territory and borders vis-à-vis other states and other foreign actors. Afterwards, 6.1.2 focuses on the South Sudanese state's hybridity by analyzing the state's domestic sovereignty, i.e. its ability to provide internal security and maintain a monopoly of violence. These sections will be followed in 6.1.3 by a brief summary.

6.1.1. The quasi state in South Sudan

Quasi-statehood is intimately linked to external sovereignty as shown in Ch. 4.1.1.1. External sovereignty is a broad frame of reference and is here understood to mean a number of interrelated things that illustrate South Sudan's degree of quasi-statehood. On a most basic reading, external sovereignty is concerned with 6.1.1.1 international recognition for the state pretender, i.e. whether or not the international community recognizes a country's claim to membership in the global state system. Moving from the legalistic to realities of *realpolitik*, in 6.1.1.2 the involvement and activities of foreign states in the internal affairs of South Sudan are critical indicators of external sovereignty and quasi-statehood. Finally, 6.1.1.3 on control over its international borders reflects directly on South Sudan's ability to uphold its claim to external sovereignty and full-fledged statehood.

6.1.1.1. *International recognition of statehood*

For every secessionist movement, international recognition for its claim to statehood comes a close second to military victory on its list of top goals. With a decisive and outright military victory a very rare event, international sovereignty may in fact be at the top of the priority list of realistically attainable goals. In the case of South Sudan, the Government of South Sudan's stringent focus on the independence referendum during the Comprehensive Peace Agreement period to the detriment of almost all other concerns, e.g. development, bears out this contention. Especially after John Garang's death in 2005, which brought to an end almost from the start any serious attempts at "making unity attractive", international recognition became of paramount importance to the South Sudanese leadership. This state of affairs lasted all the way until South Sudan had successfully executed the referendum, declared independence and joined several international organisations. Henceforth, however, it is unlikely to play much of a role because the regime, although it is being challenged domestically, does not face the imminent threat of a total lack of domestic sovereignty for which it would need to compensate for with international backing.

The fact that South Sudan was able to win backing of the United Nations and the African Union – the country acceded to both organizations immediately following independence in July 2011 – is no small feat and warrants closer examination. Arguably the most important reason why the African Union for once relaxed its stance on the inalienability of colonial borders is that there is very little danger of South Sudan providing a blueprint and a substantial boost to other independence movements on the continent. Even though other secessionist parts of Africa like Somaliland argue with great dismay that they possess a stronger case for statehood than South Sudan did, they fail to win sufficient support in the international community to sustain their claim⁷²¹. That is primarily because outside of the Sahrawi Arab Democratic Republic, occupied by Morocco but a member of the AU, there are in fact no movements which possess a similarly strong case and a similarly strong group of international supporters as South Sudan⁷²²: "South Sudan's long struggle will surely embolden existing secessionist groups and may inspire new movements – but the obstacles to independent statehood appear as formidable as ever"⁷²³. The other equally important factor is that the AU was directly and intimately involved in the negotiations that led to the CPA and thus had ownership of the entire process including the possibility of the South opting for independence at the end of the interim period⁷²⁴. As a matter of fact, Thabo Mbeki, South Africa's former prime minister and current chair of the African Union High-Level Implementation Panel played a key role in convincing African heads of state to consider South Sudan an exceptional case⁷²⁵.

Internationally accorded sovereignty does not, however, automatically entail that the international community is able and willing to uphold and enforce a state's external sovereignty. The United Nations Mission in Sudan (UNMIS, since July 2011: United Nations Mission in South Sudan (UNMISS))

⁷²¹ Bereketeab, Redie. *Self-Determination and Secessionism in Somaliland and South Sudan: Challenges to Postcolonial State-building*. Uppsala: Nordiska Afrikainstitutet, Discussion Paper No. 75, 2012, p. 27.

⁷²² Temin, Jon. *Secession and Precedent in Sudan and Africa*. Washington: United Institute of Peace, Peace Brief, No. 68, 17 November 2010, p. 2.

⁷²³ McNamee, Terence. *The first crack in Africa's map? Secession and Self-Determination after South Sudan*. Johannesburg: The Brenthurst Foundation, Discussion Paper No. 1, January 2012, p. 6.

⁷²⁴ Tavalato, Umberto, "En finir avec les frontières coloniales? L'Union africaine et la sécession du Sud-Soudan", *Politique Africaine*, No. 122, June 2011, pp. 101-119, p. 112.

⁷²⁵ Temin, Jon and Woocher, Lawrence. *Learning from Sudan's 2011 Referendum*. Washington: United Institute of Peace, Special Report, No. 303, March 2012.

has generally interpreted the scope of its mission very conservatively and has refrained from interfering in domestic or inter-Sudanese conflicts⁷²⁶. When the Sudanese army overran Abyei in 2011, for instance, the UNMIS troops stationed in the vicinity stood by and remained idle⁷²⁷. On the other hand, UNMISS troops have on occasion helped to abet violence in Jonglei and were instrumental in giving shelter to fleeing civilians during the violence that ensued after the thwarted 'coup' on December 15th 2013⁷²⁸. Not to everyone's satisfaction, however, as president Kiir accused the UN of acting like a "parallel government"⁷²⁹ and exerted pressure to have UN personnel allegedly friendly with former vice-president Machar removed from the country⁷³⁰. Hostility towards and public protests against the UN peaked after weapons found in a UN convoy in March 2014 were alleged to have been destined for anti-government rebels⁷³¹. But criticism of UNMISS also comes from a different angle. A South Sudanese journalist-cum-activist wanted UNMISS to pack up and leave the country because its presence undermined South Sudan's sovereignty⁷³².

More generally, however, and in spite of proclamations to the contrary, the international community is not in a position to define the shape and design of the evolving state. As Bennett et al put it: "Neither donors nor GoSS have produced an overriding and clear model of statehood for Southern Sudan"⁷³³. It is therefore necessary to ascertain whether Alex de Waal's claim that for Southern Sudan "[s]eparation is more likely to resemble incomplete decolonisation than partition"⁷³⁴ has turned out to be accurate.

6.1.1.2. External actors and states involved in South Sudanese affairs

A second aspect of quasi-statehood is the fact that foreign powers have the ability to interfere directly into a state's domestic affairs – including the threat of military invasion – and in some fields hold more significant power than the state's nominal government itself. Therefore, the impact of foreign countries' governments on the politics of South Sudan has to be part of our analysis of the alleged quasi-stateness of South Sudan. Due to the specific circumstances in South Sudan and its

⁷²⁶ A UK House of Commons report gave a scathing assessment of UNMISS's performance: "UNMISS does not currently provide value-for-money and its current resources have not been deployed most effectively." House of Commons, International Development Committee. *South Sudan: Prospects for Peace and Development*. Fifteenth Report of Session 2010-12. No date, p. 37.

⁷²⁷ Amnesty International. *Sudan-South Sudan: Destruction and Desolation in Abyei*. London: Amnesty International Publications, December 2011, p. 13.

⁷²⁸ UNMISS, "UNMISS continues to shelter civilians, conduct patrols", 30 January 2014, <http://unmiss.unmissions.org/Default.aspx?tabid=3465&ctl=Details&mid=6047&ItemID=2971825&language=en-US> (accessed: 6 February 2014).

⁷²⁹ *Sudan Tribune*, "South Sudan warns UN against meddling in internal affairs", 21 January 2014, <http://sudantribune.com/spip.php?article49674> (accessed: 22 January 2014).

⁷³⁰ Amos, Machel, "'Endangered' UN duo moved from South Sudan", *Africa Review*, 4 January 2014, <http://www.africareview.com/News/UN-duo-flees-South-Sudan-in-fear/-/979180/2192702/-/c43fjwz/-/index.html> (accessed: 6 February 2014).

⁷³¹ Lynch, Colum, "South Sudanese Military Targets United Nations", *The Cable*, 18 March 2014, http://thecable.foreignpolicy.com/posts/2014/03/18/south_sudan_targets_the_united_nations (accessed: 21 March 2014).

⁷³² Interview in Juba, 10 October 2013.

⁷³³ Bennett, Jon; Pantuliano, Sara; Fenton, Wendy; Vaux, Anthony; Barnett, Chris and Brusset, Emery. *Aiding the Peace: A Multi-donor Evaluation of Support to Conflict Prevention and Peacebuilding Activities in Southern Sudan 2005-2010*. ITAD Ltd., United Kingdom, December 2010, p. 145.

⁷³⁴ de Waal, Alex. *Sudan: international dimensions to the state and its crisis*. London: LSE Crisis Research Centre, Occasional Paper No. 3, 2007, p. 15.

regional environment, this overview will be split between an analysis of foreign states and external non-state actors.

Foreign states

Direct and indirect interference into the affairs of South Sudan has been a constant for most of its modern history because it was neither independent nor autonomous. Since the British left the Sudan, provincial opposition to the centre of power in Khartoum has regularly turned for support to the governments of neighbouring countries and formed a sort of patron-client relationship. This state of affairs continues in the present as the majority of the region's countries (Sudan, Ethiopia, Kenya, Uganda, Eritrea, Egypt) are in one way or another involved in South Sudan's internal affairs. The patronage systems that underwrite the governing regimes throughout the Horn of Africa region that South Sudan belongs to therefore also determine relations *between* states. It is habitual for governments to fund and support insurgent groups in neighbouring countries as a means to strengthen their own hold on power by having proxy forces on the ground⁷³⁵. In a game of geopolitical tit-for-tat, this has reciprocally involved Sudan's military and secret service in these countries' domestic affairs⁷³⁶.

For the first phase of the renewed war in the South in the 1980s, Ethiopia, more specifically the Communist Derg regime was the principal backing and source of material support for the SPLM⁷³⁷. After the Tigrayan People's Liberation Front defeated the Derg, took over power and expelled the SPLA fighters from their base on Ethiopian soil in 1991, Kenya and Uganda became the movement's strongest regional backers. Since about 2002, the Ethiopian government has morphed into the main interlocutor between the two Sudans⁷³⁸. For some time around the turn of the century, Asmara evolved into the hub for all Sudanese opposition movements and Eritrea trained and even accompanied SPLA forces inside Sudan⁷³⁹.

Uganda has been supporting the SPLM/A to differing degrees ever since Museveni's coup d'état brought him to power in 1986 and Nairobi has provided a base for the SPLM's activities since at least the 1990s. Museveni went to school with John Garang and Khartoum's patronage of Ugandan rebels further strengthened ties with the South Sudanese rebel movement⁷⁴⁰. What is more, the Ugandan army (UPDF) maintains a substantial if unofficial presence inside South Sudan. Having supported and conducted joint operations with the SPLA during the civil war with Khartoum⁷⁴¹, the UPDF remained in South Sudan ostensibly to eradicate Joseph Kony's Lord's Resistance Army. But far from engaging the LRA, UPDF soldiers have been accused of running private businesses in South Sudan and abusing the local population while the South Sudanese government turns a blind eye⁷⁴². The Ugandan army's

⁷³⁵ Hemmer, Jort. *Southern Sudan: the new kid on the block? Assessing the neighbourhood on the threshold of Southern Sudan's self-determination referendum*. The Hague: Clingendael Conflict Research Unit Policy Brief, Vol. 14, March 2010, p. 2.

⁷³⁶ de Waal. *Sudan: international dimensions* (2007), p. 10.

⁷³⁷ Johnson, Douglas H. *The Root Causes* (2011), pp. 59-60.

⁷³⁸ Marchal, Roland, "Une histoire d'États...", *Politique Africaine*, No. 122, June 2011, pp. 59-83, p. 72.

⁷³⁹ Connell, Dan. *Global Trade Local Impact: Arms Transfers to all Sides in the Civil War in Sudan*. Human Rights Watch, August 1998, p. 59.

⁷⁴⁰ Burr, J. Millard and Collins, Robert O. *Revolutionary Sudan: Hasan al-Turabi and the Islamist state, 1989-2000*. Leiden: Brill, 2003, pp. 107-108.

⁷⁴¹ Ibid, pp. 59-61.

⁷⁴² Schomerus, Mareike, "'They forget what they came for': Uganda's army in Sudan", *Journal of Eastern African Studies*, Vol. 6, No. 1, February 2012, pp. 124-153, pp. 129-131; see also Ochan, Clement. *Responding to*

ambivalent role in South Sudan became very apparent during the fighting that erupted in December 2013 when its troops entered Juba and tacitly helped the government against the armed rebellion by bombing Bor and trying to take Malakal⁷⁴³ – paid for by the South Sudanese government⁷⁴⁴.

Kenya for its part is by all accounts secretly supplying arms to the government in Juba, a fact that became apparent when Somali pirates captured a delivery of tanks from Ukraine to Kenya in September 2008⁷⁴⁵. Kenyans have large investments in South Sudan, among others much of the banking sector is Kenyan-dominated, and the two countries have agreed to build an oil pipeline from South Sudan to the Lamu port north of Mombasa⁷⁴⁶, though lack of funding has derailed such plans until now. Tanzania is supplying troops for an international intervention force to stop the de facto civil war but does not appear to have substantial interests in the country⁷⁴⁷. Finally, as the White Nile passes through its territory, South Sudan's independence also directly affects Egypt's interest in maintaining the status quo in management of the Nile waters, an arrangement dating to 1959 that greatly benefits Egypt's interests and that is contested by all other riparian states⁷⁴⁸. As a consequence, Cairo has given substantial development aid to South Sudan⁷⁴⁹, signed a military cooperation agreement⁷⁵⁰ and has been trying to get South Sudan to join the Arab League⁷⁵¹.

Outside of the region, there are a number of countries that have had and continue to have a major impact on events in South Sudan. First of all, the very fact that a lasting peace agreement was reached has been attributed both to the overall international climate – post-9/11 Khartoum rightly feared to be targeted in the 'war on terror' – and to the engagement of international actors from the Intergovernmental Authority on Development (IGAD), the AU, the UN and individual countries like

Violence in Ikotos County, South Sudan: Government and Local Efforts to Restore Order. Medford: Feinstein International Centre, Tufts University, December 2007, p. 20.

⁷⁴³ *Sudan Tribune*, "Uganda's Museveni appoints new head of S. Sudan operations", 12 January 2014, <http://sudantribune.com/spip.php?article49548> (accessed: 27 January 2014).

⁷⁴⁴ *Sudan Tribune*, "S. Sudan defence minister admits government is paying Ugandan army", 14 February 2014, <http://sudantribune.com/spip.php?article49963> (accessed: 16 February 2014).

⁷⁴⁵ Wezeman, Pieter D.; Wezeman, Siemon T. and Béraud-Sudreau, Lucie. *Arms Flows to Sub-Saharan Africa*. Stockholm: SIPRI Policy Paper, No. 30, December 2011, pp. 23-24. Leaked U.S. diplomatic cables from 2008 confirmed this: "It is a poorly kept secret that the tanks are bound for the Government of South Sudan and that the Government of Kenya has been facilitating shipments from Ukraine to the Government of South Sudan since 2007." Baldauf, Scott, "WikiLeaks documents roil Nigeria, Kenya, and South Africa", *Christian Science Monitor*, 9 December 2010, <http://www.csmonitor.com/World/Africa/Africa-Monitor/2010/1209/WikiLeaks-documents-roil-Nigeria-Kenya-and-South-Africa> (accessed: 13 June 2014).

⁷⁴⁶ Anderson, David M. and Browne, Adrian J., "The politics of oil in eastern Africa", *Journal of Eastern African Studies*, Vol. 5, No. 2, 2011, pp. 369-410, p. 392.

⁷⁴⁷ *Tanzania Daily News*, "Tanzania readies to dispatch TPDF troops to South", 27 March 2014, <http://www.dailynews.co.tz/index.php/local-news/29642-tanzania-gets-ready-to-dispatch-troops-to-south-sudan> (accessed: 12 April 2014).

⁷⁴⁸ Salman, Salman M.A., "The new state of South Sudan and the hydro-politics of the Nile Basin", *Water International*, Vol. 36, No. 2, 2011, pp. 154-166, p. 159.

⁷⁴⁹ Kortam, Hend, "Egypt pledges aid to South Sudan", *Daily News Egypt*, 12 August 2012, <http://thedailynewsegypt.com/2012/08/12/egypt-pledges-aid-to-south-sudan/> (accessed: 10 April 2014).

⁷⁵⁰ *The North Africa Post*, "Egypt seals military cooperation with South Sudan", 25 March 2014, <http://northafricapost.com/5312-egypt-seals-military-cooperation-with-south-sudan.html> (accessed: 10 April 2014).

⁷⁵¹ Aman, Ayah, "Egypt tries to woo South Sudan in Nile water dispute", *Al-Monitor*, 31 March 2014, <http://www.al-monitor.com/pulse/originals/2014/03/egypt-south-sudan-nile-water-dispute-ethiopia.html#> (accessed: 1 April 2014).

Norway, the U.S. and Britain (the three form what is commonly called the Troika)⁷⁵². Especially for the U.S. and Norway, the perception of the civil war as a religious⁷⁵³ and ethnic conflict and the much publicized revival of slavery helped put Sudan on the foreign policy agenda as Sudan took over apartheid South Africa's and Libya's mantle as the continent's most notorious rogue state⁷⁵⁴.

China has for a long time been Sudan's closest ally outside of the Gulf and is Khartoum's largest economic partner, having built the oil pipeline to Port Sudan and purchasing most of Sudan's oil. Since the CPA, Beijing is slowly engaging with the GoSS to make up for the People's Republic's bad image as a staunch supporter of the regime in the North⁷⁵⁵ while trying to salvage its investments in the oil industry⁷⁵⁶. SPLM cadres are mostly pragmatic in their interaction with the Chinese government because they desperately need Chinese investment⁷⁵⁷ – something that meshes well with China's focus on economic rather than political engagement⁷⁵⁸. India started to engage with Sudan in 2003 when it replaced Western companies that pulled out from the Sudanese oil sector and initially upheld Sudan's territorial integrity but begun to establish closer links with the GoSS during the CPA period⁷⁵⁹. In contrast to China's increasingly active role in political disputes in South Sudan, India's diplomatic involvement is still very limited⁷⁶⁰. Russia has been a regular supplier of weapons to South Sudan, state-owned Sabinat is building the South's first oil refinery⁷⁶¹ and there has been an unexpected rapprochement between presidents Putin and Kiir after the cooling off of relations with the United States in spring 2014⁷⁶². In terms of military supplies, Ukraine has been the GoSS's main supplier of weapons since 2005 with shipments transiting through Kenya and Uganda⁷⁶³.

⁷⁵² Johnson, Hilde (2011), p. 13.

⁷⁵³ During the Bush administration (2001-2009), US foreign policy towards Africa was strongly influenced by Evangelical Christians that had come to embrace the persecution of Christians in the developing world as one of their prime causes. Huliaras, Asteris, "The Evangelical Roots of US Africa Policy", *Survival*, Vol. 50, No. 6, 2008, pp. 161-182.

⁷⁵⁴ Gabrielsen, Maria M., "La sécurité humaine et l'internationalisation des conflits intra-étatiques: le cas du conflit au Sud-Soudan", *Revue de la sécurité humaine*, No. 3, Feb. 2007, pp. 29-42, pp. 32-33, 35. In the U.S., a small group of devoted South Sudanistas in the political establishment were remarkably successful in creating from the 1980s onwards a lasting lobby that kept the issue of Southern Sudan on the agenda. Hamilton, Rebecca, "Special Report: The wonks who sold Washington on South Sudan", *Reuters*, 11 July 2012, <http://www.reuters.com/article/2012/07/11/us-south-sudan-midwives-idUSBRE86A0GC20120711> (accessed: 3 October 2012).

⁷⁵⁵ In a national survey that asked South Sudanese which countries they thought favourably of, China (47% favourable) only ranked ahead of Egypt and Sudan while the U.S. led the way with 84% having a favourable opinion. International Republican Institute. *Survey of South Sudan Public Opinion*. 6-27 September, 2011, p. 34.

⁷⁵⁶ Large, Daniel, "China's Sudan Engagement: Changing Northern and Southern Political Trajectories in Peace and War", *The China Quarterly*, No. 199, September 2009, pp. 610-626, p. 622.

⁷⁵⁷ Ibid, p. 624.

⁷⁵⁸ Zhang Chun, "China's Relations with Two Sudans: From 'One Country, Two Systems' to 'Two Countries, One System'", *Global Review*, Winter 2012, pp. 3-6.

⁷⁵⁹ Large, Daniel and Patey, Luke. *Caught in the Middle: China and India in Sudan's Transition*. Copenhagen: DIIS Working Paper, No. 36, 2010, p. 6, 16.

⁷⁶⁰ Patey, Luke, "India's Kings of Crude Troubled by Oil Investments in Africa", *African Arguments*, 31 March 2014, <http://africanarguments.org/2014/03/31/indias-kings-of-crude-troubled-by-oil-investments-in-africa-by-luke-patey/> (accessed: 10 April 2014).

⁷⁶¹ Bariyo, Nicholas, "Construction of S Sudan's First Oil Refinery to Start Before Year-End", *Wall Street Journal*, 28 November 2013, <http://online.wsj.com/article/DN-CO-20131128-001816.html#> (accessed: 16 April 2014).

⁷⁶² Awolich, Abraham, "What is South Sudan's Wisdom Courting Russia", *The Sudd Institute*, Weekly Review, 10 June 2014.

⁷⁶³ Small Arms Survey. *Reaching for the gun: Arms flows and holdings in South Sudan*. Geneva: Sudan Issue Brief, No. 19, April 2012, p. 2.

In spite of the monumental achievement that is the CPA, relations between Juba and the NCP regime remain acrimonious. Khartoum is known to have used proxy forces against the SPLA in addition to the Sudanese Armed Forces (SAF) and by most accounts continues to do so in the present⁷⁶⁴. The South Sudan Liberation Army for example, an outlet that fought the GoSS after independence, had its headquarters in a Khartoum compound and was reportedly forcibly recruiting South Sudanese residents into its ranks⁷⁶⁵. Kurt Beck argues that there is a long tradition of complicated relations of mutual dependence between states and (warrior) nomads in Sudan. Governments employ nomads as irregular forces charged with policing the border zones while nomads benefit from the state's resources, notably weapons and legitimacy, to further their own 'small' aims like access to grazing land. Thus, Baggara Arabs have fought against Dinka and Fur in the name of Khartoum while various ethnic groups in the South – Nuer, Murle, Mandari, Toposa – were armed by the Sudanese government to fight the primarily Dinka SPLA⁷⁶⁶. After South Sudan's independence, Sudan's intelligence service continued to use airdrops to supply arms and ammunitions to anti-SPLM militias⁷⁶⁷. The outsourcing of the fight against rebels in the South and other peripheral regions to irregular militias – Popular Defence Forces, Murahaleen, and Janjaweed – can be interpreted as Khartoum's conscious disregard for the state structure and its efficacy⁷⁶⁸.

What becomes clear is that contrary to some journalistic accounts of the North-South conflict⁷⁶⁹, religion plays a subordinate role to strategic and military considerations: both Muslim tribes bordering the South like Misseriya, Rizeigat and the Ma'aliya as well as the Southern Christian and Animist Mandari, Didinga, Murle and Bari received arms during the 1983-2005 war to block the SPLA's advance⁷⁷⁰. In the years following South Sudan's independence, several anti-SPLM militias were rumoured to receive weapons from Khartoum and there is evidence that Khartoum supported the most dangerous and active militia in the years 2012-13, the South Sudan Democratic Movement/Army Cobra Faction run by David Yau Yau⁷⁷¹. There were also allegations that rebels from the Congolese M23 movement that had been defeated in their erstwhile area of activity against the

⁷⁶⁴ Antwi-Boateng, Osman and O'Mahony, Geraldine Maria, "A Framework for the Analysis of Peace Agreements and Lessons Learned: The Case of the Sudanese Comprehensive Peace Agreement", *Politics & Policy*, Vol. 36, No. 1, 2008, pp. 132-178, pp. 158-9.

⁷⁶⁵ Copnall, James, "South Sudanese 'press-ganged' by rebels in Khartoum", *BBC News*, 22 December 2011, <http://www.bbc.co.uk/news/world-africa-16287972> (accessed: 28 April 2014).

⁷⁶⁶ Beck, Kurt, "Das vorläufige Ende der Razzien. Nomadisches Grenzkriegertum und staatliche Ordnung im Sudan", in Schneider, Irene (ed.) *Militär und Staatlichkeit. Beiträge des Kolloquiums am 29. und 30.04.2002*. Halle, 2003 (Orientwissenschaftliche Hefte 12; Mitteilungen des SFB 'Differenz und Integration' 5), pp. 127–150.

⁷⁶⁷ Leff, Jonah and LeBrun, Emile. *Following the Thread: Arms and Ammunition Tracing in Sudan and South Sudan*. Geneva: Small Arms Survey, HSBA Working Paper No. 32, May 2014, pp. 42-43.

⁷⁶⁸ Weber, Annette. *Kriege ohne Grenzen und das "erfolgreiche Scheitern" der Staaten am Horn von Afrika*. Berlin: SWP Report, September 2008, pp. 17-18.

⁷⁶⁹ An example from the last phase of the 1983-2005 civil war: Stiegle, Joseph, "Africa's fault line: Governments must act to soothe religious tension", *New York Times*, 9 June 2003, http://www.nytimes.com/2003/06/09/opinion/09iht-edsiegle_ed3.html?module=Search&mabReward=relbias%3Ar (accessed: 7 June 2014).

⁷⁷⁰ Salih, M.A. Mohamed, "'New Wine in Old Bottles': Tribal Militias, SPLA/SPLM and the Sudanese State", *Review of African Political Economy*, Vol. 16, No. 45/46, 1989, pp. 168-174, p. 170.

⁷⁷¹ Small Arms Survey. *Pendulum swings: The rise and fall of insurgent militias in South Sudan*. Geneva: Sudan Issue Brief, No. 22, November 2013, p. 1.

Kinshasa government in Eastern Congo were part of the Ugandan troops brought into South Sudan to assist the government of Salva Kiir against the armed opposition in early 2014⁷⁷².

As becomes evident from this overview of international engagement in South Sudan, external actors play a very significant role in curtailing the actual ability of the South Sudanese state to act as the sovereign in its territory. Interdependence between Sudan and South Sudan remains high as Sudanese export bans have significantly increased prices of food and other essential commodities in South Sudan⁷⁷³. Foreign-sponsored rebel militias in particular constitute a clear limitation to the GoSS's ability to effectively govern all of its nominal territory. The weak economic position and continued rivalry and brinkmanship with Sudan entail further dependence on external partners that have to lend diplomatic as well as material support by way of weapons shipments.

6.1.1.3. Control over international borders

An integral aspect of international sovereignty is control over a given territory and possession of a monopoly of violence in said space. The one area that best epitomizes state control over territory are international borders. For most its post-colonial history, states in the Horn of Africa, one of the regions South Sudan belongs to, have been characterized by borders that are ill-defined, contested and easily crossed⁷⁷⁴. Yet, according to Alex Klein, these very same facets are also the reason why borders in this region have been essential for states' persistence and survival⁷⁷⁵. This section, therefore, will look at the major points of friction along the border, starting with a general look at the Sudan-South Sudan border and then focus specifically on the local contested areas of Abyei, Mile 14 and Heglig and the cross-border relationship between SPLM/A and rebels in Darfur, Southern Kordofan and Blue Nile. Subsequently, other critical areas along the border with Uganda, the Democratic Republic of Congo and Ethiopia as well as in the Ilemi Triangle will be discussed.

Sudan-South Sudan border

The majority of border conflicts arise along the newly formed border with Sudan; a border that to the present day remains to be fully delineated as well as demarcated. In an interesting recurrence to the colonial period, a major source for those charged with border demarcation are maps and other cartographic material from the British colonial archives⁷⁷⁶. Unsurprisingly, the delineations depicted on these maps are not always accurate or specific and in addition remain open to conflicting interpretations. Thus Nicki Kindersley, who used to work at the South Sudan National Archives,

⁷⁷² Green, Andrew, "South Sudan rebels say army razed town, using foreign fighters", *Reuters*, 2 February 2014, <http://www.reuters.com/article/2014/02/02/us-southsudan-unrest-idUSBREA110GM20140202> (accessed: 12 April 2014).

⁷⁷³ Wohlmuth, Karl. *Towards A Strategic Framework for Economic Cooperation between Sudan and South Sudan*. Revised and Extended Version of a Paper submitted at a Plenary Session of the 9th International South Sudan and Sudan Studies Conference, Bonn, 23-25 July, 2012, p. 17.

⁷⁷⁴ Godfrey Mwakikagile delivers a harsh indictment of colonial boundary-making in the case of Sudan. "The creation of Sudan from colonial boundaries arbitrarily drawn by the imperial powers was a colossal mistake, and a monstrosity, considering what it has spawned: a cauldron of intense racial hatred which has led to genocide against blacks". Mwakikagile (2001), p. 215.

⁷⁷⁵ Klein, Alex (2002), p. 241.

⁷⁷⁶ Edward, Joseph, "Missing maps: Where are the colonial-era maps of the South Sudan-Sudan border?", *The Niles*, 6 February 2013, <http://www.theniles.org/articles/?id=1677> (accessed: 6 February 2013).

writes about British colonial cartography that “there’s no one map that shows, in sufficient detail, *where the border exactly is in 1956*”⁷⁷⁷.

Crisis Group warned already in 2010, a year prior to independence, that the fact that the border between North and South remained undefined constituted a major source of insecurity for relations between North and South as well as for local populations which feared a post-secession hardening of the border⁷⁷⁸. Oil fields straddling the border (most notoriously the Heglig/Panthou fields), military posturing and long-standing mistrust between Juba and Khartoum and between SPLA and SAF make the Sudan-South Sudan border a likely spot for renewed fighting. Human Rights Watch listed five areas along the North-South border that have the potential to become sites of future conflict, in particular due to the presence of natural resources: “These include Kafia Kingi/ Hofrat al Nahas in Western Bahr el Ghazal; border between Northern Bahr el Ghazal and South Darfur; Heglig at the border between Unity and Southern Kordofan; a small area on the border between Upper Nile and White Nile; and Shar el Fie, near southern Blue Nile”⁷⁷⁹.

Apart from the lack of trust and cooperation on the national macro-level, local communities are severely affected by the new border. As CPA and subsequent negotiations have been conducted only among high-level politicians and generals, border communities do not feel consulted in the demarcation process. In the case of the nomadic Rizeigat and Misseriya – long allied to the NCP government – they fear marginalization as a consequence of Southern independence⁷⁸⁰. At the heart of conflict lies competition over scarce resources, which has been exacerbated by the ecological disaster that struck the Sahel zone in the 1970s⁷⁸¹. In addition to oil, for pastoralists and sedentary farmers alike these resources are primarily access to land and water. A 2010 Michelsen Institute report found a particular density of such conflict hotspots along the South Kordofan-South Sudan borderline⁷⁸², whereas a Crisis Group study from 2011 found violent contestation of the border in Unity State where Dinka tribes have been forced from their traditional homelands since oil discoveries in the 1960s and have been replaced by Misseriya tribes⁷⁸³.

As a matter of fact, both governments, Juba and Khartoum, have been accused of largely neglecting the fate of pastoralist groups straddling the border⁷⁸⁴. The latter point also came to the fore after the 2012 Addis Ababa agreement had been negotiated between Juba and Khartoum to resolve the oil dispute. To the dismay of local residents fearful of their safety, the agreement stipulated the creation

⁷⁷⁷ Kindersley, Nicki, “Maps of the Sudan border: the endless conversation”, *internally displaced*, 8 January 2013, http://internallydisplaced.wordpress.com/2013/01/08/maps-of-the-sudan-border-the-endless-conversation/?blogsub=confirming#blog_subscription-3 (accessed: 28 February 2013).

⁷⁷⁸ International Crisis Group. *Sudan: Defining the North-South Border*. Africa Briefing No. 75, 2 September 2010, p. 1.

⁷⁷⁹ Human Rights Watch. *The Way Forward: Ending Human Rights Abuses and Repression across Sudan*. October 2009, p. 22.

⁷⁸⁰ Concordis International. *More than a line: Sudan’s North-South border*. Sudan Report, September 2010, p. 9.

⁷⁸¹ Keen, David. *The benefits of famine: a political economy of famine and relief in southwestern Sudan; 1983 – 1989*. Oxford: Currey, 2008.

⁷⁸² Saeed, Abdalbasit. *Challenges Facing Sudan after Referendum Day 2011: Persistent and Emerging Conflict in the North-South Borderline States*. Bergen: Chr. Michelsen Institute, Sudan Report, No. 1, 2010, p. 9.

⁷⁸³ International Crisis Group. *Compounding Instability in Unity State*. Africa Report No. 179, 17 October 2011, p. 20.

⁷⁸⁴ Assal, Munzoul A. M. *Nationality and Citizenship Questions in Sudan after the Southern Sudan Referendum Vote*. Bergen: Chr. Michelsen Institute, Sudan Report, No. 1, January 2011, p. 10.

of a demilitarized border zone⁷⁸⁵. However, by September 2013 both Sudan and South Sudan had yet to comply with the demilitarization clause⁷⁸⁶ and in some areas SPLA soldiers have been seen donning police uniforms to circumvent the prohibition to carry out patrols⁷⁸⁷. Further complicating the matter of the demilitarized zone, Sudan and South Sudan have not agreed on the zone's centre-line. An African Union Border Technical Team has been charged with determining the centre-line's exact locations but local residents prevented it from carrying out its job for fear that it might have negative repercussions for their communities⁷⁸⁸.

Abyei

The area where matters come to a head is the contested district of Abyei⁷⁸⁹. Abyei's plight as a contested piece of land goes back to the early 20th century when the British transferred administrative control over the Ngok Dinka from Bahr al Ghazal to Kordofan. During the first civil war, the Ngok Dinka fought alongside the Southern *Anyanya* rebels and as a result of the Addis Ababa Accords in 1972 were offered the prospect of a referendum on whether to belong to the South or North – a referendum that never materialized as warfare resumed in the 1980s⁷⁹⁰. Most of Sudan's oil fields are scattered along the North-South border and Abyei is located at the heart of contention over rightful ownership⁷⁹¹. Ever since oil discoveries during the later stages of Nimeiry's rule, the resident Dinka therefore became the target of government policy designed to remove them from the precious soil they occupied⁷⁹². This is repeating itself in the present as both governments appear to pursue a deliberate policy of establishing a demographic fait accompli. On the heels of small skirmishes on the presumptive border, SAF forces razed and burned Abyei town to the ground in May 2008⁷⁹³. Events from 2008 repeated themselves in May 2011 as SPLA and police forces clashed with the Sudanese army and Misseriya fighters, which razed Abyei and expelled nearly all its inhabitants⁷⁹⁴. While the NCP uses the Misseriya as proxies to clear the area of Dinka, the SPLM encourages Dinka returnees from Kenya and the North to settle in Abyei town⁷⁹⁵. In spite of living

⁷⁸⁵ *Agreement between The Republic of the Sudan and The Republic of South Sudan on Border Issues*. Addis Ababa, 27 September 2012.

⁷⁸⁶ Satellite Sentinel Project. *Continued Violations: Both Sudans Still Violating Demilitarized Border Zone*. September 2013.

⁷⁸⁷ Interview with members of an international organization that works in the border states of South Sudan, Juba, 11 October 2013.

⁷⁸⁸ Human Security Baseline Assessment for Sudan and South Sudan (HSBA). *The Safe Demilitarized Border Zone*. Geneva: Small Arms Survey, 18 March 2014.

⁷⁸⁹ In a somewhat dubious comparison, the US-based advocacy organization *Enough* likened Abyei to Kashmir to illustrate how it constitutes a potential breaking point for peaceful relations between the Sudans. Winter, Roger and Prendergast, John. *Abyei: Sudan's Kashmir*. ENOUGH Strategy Paper, No. 11, January 2008. For a refutation of the Kashmir-Abyei comparison see Biong Deng, Luka, "Are Ngok Dinka of Abyei South Sudanese?", *Sudan Tribune*, 1 March 2013, <http://www.sudantribune.com/spip.php?article45696> (accessed: 2 March 2013).

⁷⁹⁰ Deng, Luka Biong, "Justice in Sudan: Will the Award of the International Abyei Arbitration Tribunal be Honoured?", *Journal of Eastern African Studies*, Vol. 4, No. 2, 2010, pp. 298-313, p. 299.

⁷⁹¹ Anderson and Browne (2011), p. 372.

⁷⁹² Keen (2008).

⁷⁹³ Human Rights Watch. *Abandoning Abyei: Destruction and Displacement, May 2008*. July 2008, pp. 14-21.

⁷⁹⁴ Amnesty International (2011), p. 9. Joshua Craze argues convincingly that the SAF's decision to attack Abyei was based on Khartoum's, ultimately accurate, calculation that it could forge ahead without having to face serious consequences from either the SPLA or the international community. Craze, Joshua. *Creating Facts on the Ground: Conflict Dynamics in Abyei*. Geneva: Small Arms Survey, June 2011, p. 44.

⁷⁹⁵ Human Rights Watch (2008), p. 13.

conditions that are poor even by South Sudan's low standards, by August 2013 60.000 of an estimated 100.000 inhabitants that had fled in 2011 were said to have returned to Abyei⁷⁹⁶.

Abyei's future status came on the table during peace negotiations in the 2000s but a final settlement was pushed off to a referendum to be held alongside the nationwide independence referendum. However, two successive attempts to establish the exact size and shape of the Abyei region – by the internationally staffed Abyei Boundaries Commission in 2005⁷⁹⁷ and by the Permanent Court of Arbitration (PCA) in The Hague in 2009 – were both rejected by Khartoum; even though the PCA in particular made strong concessions to Khartoum's point of view⁷⁹⁸ by almost halving the size of the region (the rest automatically going to the North) and awarding grazing rights to both Ngok Dinka and Misseriya⁷⁹⁹. A key obstacle to agreement is Sudan's insistence that Misseriya nomads that graze in Abyei on a seasonal basis be allowed to vote in the referendum – a proposition South Sudan is vehemently opposed to⁸⁰⁰. Abyei also played a key role in the African Union-sponsored peace negotiations between Juba and Khartoum in 2012 but in spite of periodic newsflashes of a breakthrough⁸⁰¹ a definite agreement is still outstanding⁸⁰². In the end, a unilateral referendum was organized and held by the Ngok Dinka community on 31st October 2013 – the GoSS distanced itself from the proceedings at the last minute after previously canvassing for the referendum – with 99.89% wanting to join South Sudan⁸⁰³.

Douglas Johnson argues that there are a couple of underlying factors for the continuing conflict surrounding Abyei. Locally, many Ngok Dinka fought with the SPLA during the war, distrust the North and are very determined to join the South rather than lead a minority existence as part of Southern Kordofan. At the same time, as a result of changing rainfall patterns in the Sahel zone and an expansion of government-run mechanized farming schemes, Misseriya nomads have increasingly come to rely on grazing lands in Southern Abyei for pasture where many have settled on land forcibly deserted by Dinka since the 1970s⁸⁰⁴. The Misseriya, though traditionally allied to Khartoum (President Bashir used to be stationed in the area before seizing power in 1989), have grown increasingly restless with the National Congress Party regime and fear that their interests in Abyei

⁷⁹⁶ Safi, Matata, "South Sudan: Over 60,000 Return to Abyei", *allAfrica*, 9 August 2013, <http://allafrica.com/stories/201308090807.html> (accessed: 10 August 2013).

⁷⁹⁷ Even then, the participants noted that interpretations of documentary material and facts on the ground aligned along the axis NCP-government and Misseriya nomads versus GoSS and Ngok Dinka. Petterson, Donald; Berhanu, Kassahun; Gutto, Shadrack B.O.; Johnson, Douglas H. and Muriuki, Godfrey. *Abyei Boundaries Commission Report*. Nairobi: IGAD, 14 July 2005, p. 10.

⁷⁹⁸ Markus Böckenförde argues convincingly that the tribunal had to weigh between legal and political/diplomatic considerations and in its verdict clearly prioritized diplomacy and thus a settlement that each party to the conflict could live with; Böckenförde, Markus, "The Abyei Award: Fitting a Diplomatic Square Peg into a Legal Round Hole", *Leiden Journal of International Law*, Vol. 23, No. 3, September 2010, pp. 555-569.

⁷⁹⁹ Deng, Luka Biong, "Justice in Sudan" (2010), p. 309.

⁸⁰⁰ Personal communication with South Sudanese diplomat, 8 February 2013.

⁸⁰¹ For instance, *Bernama*, "Sudan, South Sudan Agree On Setting Up Executive Administration Of Abyei Region", 15 January 2013, <http://www.bernama.com/bernama/v6/newsworld.php?id=921773> (accessed: 15 January 2013) and Biong Deng, Luka "Abyei Final Status: A triumph of justice at last", *Sudan Tribune*, 26 October 2012, <http://www.sudantribune.com/spip.php?article44340> (accessed: 27 October 2012).

⁸⁰² *Sudan Tribune*, "South Sudan will not accept endless talks over Abyei – FM", 4 December 2012, <http://www.sudantribune.com/spip.php?article44730> (accessed: 4 December 2012).

⁸⁰³ *BBC News*, "Abyei opts to join South Sudan in unofficial referendum", 31 October 2013, <http://www.bbc.co.uk/news/world-africa-24761524> (accessed: 1 November 2013).

⁸⁰⁴ Johnson, Douglas H. *Abyei: Sudan's West Bank*. Report for The Enough Project, April 2011, p. 5.

will be swept under the carpet unless they take action themselves⁸⁰⁵. Proving how well-founded such worries are, the SPLA made a point of charging Misseriya heavy taxes for allowing their cattle to graze in areas south of the Bahr al-Arab river⁸⁰⁶. What makes Abyei additionally combustible is the nearly universal support among South Sudanese for Juba to take any steps necessary to ensure Abyei's inclusion into the South⁸⁰⁷.

Pastoralist migrations: Mile 14, Malual Dinka and Rizeigat, Panthou/Heglig

There are a number of other areas along the South Sudan-Sudan borderline that are both contested and sites of more or less open confrontation⁸⁰⁸, two of which I will look at in some detail since they exemplify characteristic features of the border regime in South Sudan and how it compares to the status of borders in the typified African state depicted in chapter 4.1.1. The first of these hot-spots is the so-called 14 Mile Area along the Darfur-Northern Bahr al-Ghazal border, which extends 14 miles south of the river Kiir/Bahr-al Arab, hence the name. The area was formed as part of an administrative agreement between British colonial governors in the 1920s to ease conflict between resident Malual Dinka and pastoralist Rizeigat that used the area for grazing⁸⁰⁹. The Malual Dinka, however, refuse to acknowledge the colonial boundary and insist on rights to all the territory up to the river⁸¹⁰.

Thus, when the Addis Ababa Agreement of September 2012 between Juba and Khartoum provided for a demilitarized zone along the border, the Malual Dinka community openly protested and sent protest notes to President Kiir⁸¹¹. By lobbying its own government in Juba to uphold their 'historic rights' and subsequently voicing their frustration at the GoSS's inaction, the contemporary Malual Dinka highlight both Juba's inability to delineate let alone control its state territory (or what it claims as rightfully belonging to the state of South Sudan) and the key role played by local communities and local stakeholders in the *prima facie* international and intergovernmental arena of border negotiations⁸¹². The degree of local initiative independent of national oversight is also evident from a recent inter-communal peace conference in Aweil at which representatives of Misseriya and Malual

⁸⁰⁵ Craze (2011), pp. 38-39.

⁸⁰⁶ Pantuliano, Sara; Egemi, Omer; Fadlalla, Babo and Farah, Mohammed with Abdelgadir, Mohammed Elamin. *Put out to pasture: War, oil and the decline of Misseriya Humr pastoralism in Sudan*. London: Humanitarian Policy Group, Overseas Development Institute, March 2009, p. 25.

⁸⁰⁷ Cook, Traci D. and Moro, Leben Nelson. *Governing South Sudan: Opinions of South Sudanese on a Government That Can Meet Citizen Expectations*. Washington: National Democratic Institute for International Affairs, 22 March 2012, p. 8.

⁸⁰⁸ The Kafia-Kingi Enclave that I will not discuss in greater detail is an exceptional case because all maps and previous administrative arrangements in Sudan's history clearly show it to be part of South Sudan; the enclave is, however, under the control of Sudan and in contrast to other disputed areas South Sudan has not taken substantial steps to assert its claim to Kafia Kingi. Thomas, Edward. *The Kafia Kingi Enclave: People, politics and history in the north-south boundary zone of western Sudan*. London: Rift Valley Institute, 2010.

⁸⁰⁹ Craze, Joshua. *Dividing Lines: Grazing and conflict along the Sudan-South Sudan border*. Geneva: Small Arms Survey, July 2013, pp. 43-69.

⁸¹⁰ Vaughan, Christopher. *Nomadic frontiers and state boundaries: Malual and Rizeigat on the Sudan-South Sudan border*. Paper presented in panel 'The politics of history in contemporary African border disputes', at the 5th European Conference on African Studies, Lisbon, June 2013.

⁸¹¹ *Sudan Tribune*, "Aweil Community Rejects Khartoum claims of Mile – 14 South of river Kiir", 12 October 2012, <http://www.sudantribune.com/spip.php?article44242> (accessed: 30 January 2014).

⁸¹² Wilson, Jacqueline. *Local Peace Processes in Sudan and South Sudan*. Washington: United States Institute of Peace, Peaceworks No. 97, May 2014.

Dinka agreed upon peaceful interaction⁸¹³. On the flipside, pastoralist communities that migrate in and out of South Sudan do not have a choice but are effectively forced to develop adaptive strategies in an environment where the strained relations between Juba and Khartoum lead to intermittent border closures. The adaptive strategies range from taking a different route to forming or renewing local alliances and from shorter stays on the pastures to altogether refraining from entering South Sudan⁸¹⁴.

The second contested area and point of contention between the Sudans is control over the Heglig oilfields, which given both regimes' massive dependence on oil income have become the biggest prize in the delineation process⁸¹⁵. Heglig or Panthou, the name used by most South Sudanese, gained international notoriety when in April 2012 it became the site of the culmination of hostilities between Sudan and South Sudan in the post-CPA period. In a joint operation with fighters from Sudan, SPLA troops attacked and briefly held the Heglig oilfields before withdrawing amid air assaults a couple of days later. A Crisis Group report saw support for the SPLA coming primarily from Darfur's Justice and Equality Movement while the SPLM-North's leadership denied any involvement and resisted Khartoum's claim that they were but proxy forces for South Sudan⁸¹⁶. Apart from demonstrating yet again the paramount importance of controlling the sources of oil and thus wealth, the Heglig incident proved the impossibility of trying to rely on British colonial maps to determine a volatile 21st century border. Even two of the most renowned international Sudan experts, Alex de Waal and Douglas Johnson, publicly disagreed over the area's legal status, with de Waal arguing that the "1956 border clearly shows Heglig to be within North Sudan"⁸¹⁷ – an assertion disputed by Johnson⁸¹⁸.

SPLM-North and Darfur's rebel movements

The outbreak of a violent rebellion against Khartoum in Sudan's South Kordofan and Blue Nile states in the aftermath of contentious gubernatorial elections in May 2011 and thus almost parallel to Southern independence has seriously dented prospects of a less confrontational border environment between North and South. On the one hand, the indiscriminate shelling of South Kordofan and Blue Nile including occasional border transgressions by the Sudanese Armed Forces have driven hundreds of thousands of refugees across the border to camps in South Sudan. Many of the affected populations in Sudan's new Southern provinces used to sympathize with or even fought alongside the South during the civil war and people in South Sudan continue to feel allegiance to them⁸¹⁹. A material sign of this allegiance are numerous reports that point to continuing logistical and military

⁸¹³ Agoth, Abraham, "Border States Agree On Peaceful Relations", *Gurtong*, 23 November 2013, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/13879/Default.aspx> (accessed: 30 November 2013).

⁸¹⁴ Milner, Christopher. *Crossing the Line: Transhumance in Transition along the Sudan-South Sudan Border*. Concordis International Report, October 2012, p. 6.

⁸¹⁵ Concordis International (2010), p. 10; Okumu, Wafula, "Resources and Border Disputes in Eastern Africa", *Journal of Eastern African Studies*, Vol. 4, No. 2, July 2010, pp. 279-297, p. 281.

⁸¹⁶ International Crisis Group. *Sudan's Spreading Conflict (I): War in South Kordofan*. Africa Report No. 198, 14 February 2013, p. 25.

⁸¹⁷ de Waal, Alex, "North and South Sudan are at war", *African Arguments*, 24 April 2012, <http://africanarguments.org/2012/04/24/alex-de-waal-currently-it%E2%80%99s-war-for-north-and-south-sudan/> (accessed: 30 January 2014).

⁸¹⁸ Johnson, Douglas H., "The Heglig oil dispute between Sudan and South Sudan", *Journal of Eastern African Studies*, Vol. 6, No. 3, August 2012, pp. 561-569, p. 562.

⁸¹⁹ Cook and Moro (2012), p. 8.

support for the SPLM-North after the SPLA had officially cut cords with their Northern affiliate in February 2011⁸²⁰. Even if Khartoum's allegations that the South continues to pay SPLM-North soldiers' salaries is difficult to verify (and appears doubtful given that Juba had to suspend paying its own soldiers after the oil cut-off in early 2012), moral and political support is certainly forthcoming⁸²¹. These events confirm Emeric Rogier's dictum from 2005 that it "is a fundamental principle of Sudanese politics that northerners (and southerners as well) seek allies from 'the other side' to fight their own-brother enemies"⁸²².

The SPLM-N moreover claims to control significant parts of the North-South border in Blue Nile⁸²³, which along with "the SPLM-N's privileged relationship with South Sudan [...] have linked the conflict in Blue Nile (and South Kordofan) to the broader North-South dispute"⁸²⁴. In response, Khartoum has repeatedly sought to include a provision that Juba has to convince the SPLM-N to lay down their arms as a condition for the implementation of the Addis Ababa Peace Accords from September 2012⁸²⁵. It appears, however, that the SPLM-N is moving freely in South Sudan and is visibly present in the Yida refugee camp just inside South Sudan that houses an estimated 65,000 refugees from Sudan⁸²⁶. In the meantime, Sudanese planes occasionally bomb South Sudanese areas near the border⁸²⁷.

In addition, as evidenced by Justice and Equality Movement's (JEM) participation in the Heglig attack, Juba is also involved in the simmering conflict in Darfur. The SPLA had had relations with Darfur's rebel groups since the early 1990s, culminating in the early years of the Darfur insurgency (2003-04)⁸²⁸ but involvement had seen a lull since the CPA's signing. Darfur only came back into the fold in 2010 as tensions between Juba and Khartoum heightened so that "[d]uring the six months preceding the referendum, Juba became the main rear base for Darfur rebel politicians"⁸²⁹. In an apparent act of repaying the debt, JEM allegedly helped the South Sudanese government in recapturing Bentiu, the capital of Unity State, in January 2014⁸³⁰.

⁸²⁰ Small Arms Survey. *Reaching for the gun* (2012), p. 4. It is common knowledge in Juba that the SPLM-N has an office in a Juba-town compound.

⁸²¹ International Crisis Group. *Sudan's Spreading Conflict (II): War in Blue Nile*. Africa Report No. 204, 18 June 2013, p. 36.

⁸²² Rogier (2005), p. 12.

⁸²³ International Crisis Group. *Sudan's Spreading Conflict (II)* (2013), p. 37.

⁸²⁴ Gramizzi, Claudio. *At an Impasse: The Conflict in Blue Nile*. Geneva: Small Arms Survey, December 2013, p. 65.

⁸²⁵ Holland, Hereward and Laessing, Ulf, "South Sudan says Sudan poses new obstacle to oil sales", *Reuters*, 26 November 2012, <http://www.reuters.com/article/2012/11/26/us-southsudan-sudan-oil-idUSBRE8AP0Q520121126> (accessed: 26 November 2012).

⁸²⁶ Human Rights Watch. *Under Siege: Indiscriminate Bombing and Abuses in Sudan's Southern Kordofan and Blue Nile States*. December 2012, pp. 32-33.

⁸²⁷ Holland, Hereward, "Borders and boundaries draw friction in South Sudan", *Reuters*, 6 December 2012, <http://www.reuters.com/article/2012/12/06/us-sudan-south-border-idUSBRE8B50JK20121206> (accessed: 6 December 2012).

⁸²⁸ Srinivasan, Sharath, "Negotiating violence: Sudan's peacemakers and the war in Darfur", *African Affairs*, Vol. 113, No. 450, January 2014, pp. 24-44.

⁸²⁹ Tubiana, Jérôme. *Renouncing the Rebels: Local and Regional Dimensions of Chad-Sudan Rapprochement*. Geneva: Small Arms Survey, March 2011, p. 55.

⁸³⁰ International Crisis Group. *Sudan's Spreading Conflict (III): The Limits of Darfur's Peace Process*. Africa Report No. 211, 27 January 2014, pp. 22-23.

What these events go to show is that the sanctity of international borders is far from reality on the ground on the Sudan-South Sudan border. The GoSS and the SPLA as its military arm are neither able to prevent transgression and incursions from armed state or non-state actors nor are they on the other hand constrained by international borders in their scope of activity. The latter point can be observed at the borders with some of South Sudan's other neighbours: Uganda, Ethiopia, Congo and Kenya.

Uganda border

As Merkx observed at the start of the peace process in 2002, the Uganda-South Sudan border – arbitrarily demarcated by the British in the early 20th century – is highly permeable and rather than being an obstacle to their freedom of movement presents an opportunity for gain for local SPLA soldiers that control trade in both directions⁸³¹. Anne Walraet found that there was an additional ethnic element involved as cross-border trade with Uganda constituted an economic opportunity that was primarily seized by Dinka cattle traders that had resettled here due to the war and also controlled the border with Dinka SPLA fighters⁸³². Forms of conduct inherited from the long years of war persist as the official South Sudanese presence, “a military authority with an individual/local hold on power that still relies on coercive structures” poses a threat to and constraint on Ugandan small-scale traders⁸³³. Nonetheless, opportunities for gain are so high compared to other parts of Uganda that a wide array of actors – merchants, soldiers, security personnel, spies – can be found in large quantities on either side of the border posts in Nimule and Bibia⁸³⁴. The border also has an impact on local conflict, with ownership of land in the proximity to a new custom point on the South Sudan-Uganda border in Elegu becoming the focal point of violent contestation between different ethnic groups – Oyapele and Ofodro – that live on either side of the border⁸³⁵. Moreover, many of the people in Uganda's West Nile province both profit from legal and illegal trade with South Sudan while also seeing the border as an unnatural division, separating people that they feel much closer to than to southern Ugandans⁸³⁶.

Democratic Republic of Congo & Ethiopia borders

South Sudan's border with the Democratic Republic of Congo is also effectively little-controlled and does not constitute an obstacle to traders or soldiers. In fact, the SPLA has led incursions into the DRC since 1998 – when they conquered and looted the border town Dungu in cohort with the Ugandan army⁸³⁷ – and for several years after 2000 maintained a military presence on Congolese

⁸³¹ Merkx, Jozef, “Refugee Identities and Relief in an African Borderland: A Study of Northern Uganda and Southern Sudan”, *Refugee Survey Quarterly*, Vol. 21, No. 1 & 2, 2002, pp. 113-146, p. 122.

⁸³² Walraet, Anne, “Governance, violence and the struggle for economic regulation in South Sudan: the case of Budi County (Eastern Equatoria)”, *Afrika Focus*, Vol. 21, No. 2, 2008, pp. 53-70, p. 60.

⁸³³ Schomerus, Mareike and Titeca, Kristof, “Deals and Dealings: Inconclusive Peace and Treacherous Trade along the South Sudan-Uganda Border”, *Africa Spectrum*, Vol. 47, Nos. 2-3, 2012, pp. 5-31, p. 7.

⁸³⁴ Zeller, Wolfgang, “Get It While You Can: Governance between Wars in the Uganda-South Sudan Borderland”, in Korf, Benedikt and Raeymaekers, Timothy (eds.) *Violence on the Margins: States, Conflict, and Borderlands*. New York: Palgrave Macmillan, 2013, pp. 193-217.

⁸³⁵ Refugee Law Project. *Ownership, Resettlement and Accountability: The Elegu Land Dispute in Northern Uganda*. Makerere University, School of Law, September 2012.

⁸³⁶ Leopold, Mark, “Crossing the line: 100 years of the North-West Uganda/South Sudan border”, *Journal of Eastern African Studies*, Vol. 3, No. 3, 2009, pp. 464-478, p. 474.

⁸³⁷ Prunier, Gérard, “Rebel movements and proxy warfare: Uganda, Sudan and the Congo (1986-99)”, *African Affairs*, Vol. 103, No. 412, 2004, pp. 359-383, p. 380.

soil⁸³⁸. Apparently, this state of affairs continues as SPLM troops refuse to move out from positions on DRC territory near the border⁸³⁹. De Vries who reported on a separate incident on the border with the DRC observed that the SPLA eventually gave in to Congolese demands to respect the colonial borders. What stands out about the episode is that the DRC government only started to call for its borders to be respected when the SPLM/A's rule became officially sanctioned with the Comprehensive Peace Agreement in 2005, thus binding the SPLM/A to rules of conduct of a state and no longer those of a guerrilla movement⁸⁴⁰. Today, South Sudanese poachers are apparently responsible for much of the killing of elephants for ivory in DRC's Garamba national park⁸⁴¹. Although the Nuer and Anuak live on both sides of a border that used to be the site of fighting between British and Italians in WW II and marked a dividing line between Cold War blocs during Mengistu's reign until 1991⁸⁴², South Sudan is seemingly abiding by international diplomatic standards on its Western border with Ethiopia as a South Sudanese-Ethiopian border commission is set to begin work on delineating and demarcating the border⁸⁴³.

Ilemi Triangle

Arguably the biggest border issue facing South Sudan outside of Abyei actually involves four countries, with South Sudan, Kenya, Ethiopia and Uganda all laying claim to all or parts of the Ilemi Triangle. Several ethnic groups (Turkana, Toposa and Nyangatom) in what Khadiagala calls "one of the core frontiers of insecurity" engage in cross-border fighting as the absence of the state has not only allowed for lawlessness but also the de facto takeover of service provision by NGOs⁸⁴⁴. Okumu likewise sees potential for dispute between the above countries in case rumoured oil finds or other natural resources actually materialize⁸⁴⁵. Increasing insecurity and raising the costs of governing, the triangle is awash with weapons as each of the adjacent states has been arming an ethnic group it considers its proxy force: Ethiopia arms the Dassanechs, Kenya the Turkana and in the decade to 2002 Khartoum allegedly supplied 50,000 weapons to the Toposa to fight the SPLA⁸⁴⁶. It is questionable, however, to what extent South Sudan and its government is truly keen on securing the area and risk cordial relations with their former allies in Nairobi. In fact, Douglas Johnson picks up on a widely circulating if unconfirmed story that John Garang, in secret negotiations with Kenya's president Arap Moi, ceded nominal control over Ilemi in exchange for Kenyan support to the SPLA

⁸³⁸ Marks, Joshua. *Border in Name Only: Arms Trafficking and Armed Groups at the DRC-Sudan Border*. Geneva: Small Arms Survey, May 2007, p. 15.

⁸³⁹ Ambrosetti, David, "Le Sud-Soudan en paix? Sociologie politique d'une promesse d'indépendance", *Politique Africaine*, No. 122 (Sud-Soudan, conquérir l'indépendance, négocier l'Etat), June 2011, pp. 5-20, p. 14, 16.

⁸⁴⁰ de Vries, Lotje, "Négocier l'autorité. Les micro-pratiques étatiques à la frontière du Sud-Soudan et de la République démocratique du Congo", *Politique Africaine*, No. 122, June 2011, pp. 41-58, p. 49.

⁸⁴¹ United Nations Group of Experts on the Democratic Republic of Congo. *Final Report*. 22 January 2014, pp. 47-48.

⁸⁴² James, Wendy, "Whatever Happened to the 'Safe Havens'? Imposing State Boundaries between the Sudanese Plains and the Ethiopian Highlands", in Vaughan, Christopher; Schomerus, Mareike and de Vries, Lotje (eds.) *The Borderlands of South Sudan: Authority and Identity in Contemporary and Historical Perspectives*. New York: Palgrave Macmillan, 2013, pp. 213-233.

⁸⁴³ Marchal (2011), p. 79.

⁸⁴⁴ Khadiagala, Gilbert M., "Boundaries in Eastern Africa", *Journal of Eastern African Studies*, Vol. 4, No. 2, 2010, pp. 266-278, p. 274.

⁸⁴⁵ Okumu (2010), p. 295.

⁸⁴⁶ Mburu, Nene, "Delimitation of the Ilemi Triangle: A History of Abrogation of Responsibility", *African Studies Quarterly*, Vol. 7, No. 1, 2003, pp. 15-37, pp. 30-31.

war effort⁸⁴⁷. However, what makes this area a very interesting illustration of South Sudan's border regime is that local pastoralist "communities have often been, and partly continue to be, partners rather than subjects of the state", which means that "strong man figures, ephemeral or more permanent, in the multilayered power structures can exercise surprising (extralegal) influence"⁸⁴⁸.

Thus, even though South Sudan only officially attained statehood in 2011, it is already faced with a multitude of problems along its approximately 4800 km of borders with the six states of Sudan, CAR, DRC, Uganda, Kenya and Ethiopia.

6.1.2. The hybrid state in South Sudan

A key component of domestic sovereignty is the state's ability to deliver stability and guarantee its citizens' physical security. Conversely, the inability to guarantee security is one of the prime reasons for the designation of many African post-colonial nation-states as hybrid states (see Chapter 4.1.1.2). The one overarching picture that emerges from a multitude of reports on the security situation in South Sudan is that the state is still far from possessing the monopoly of violence⁸⁴⁹. A number of issues combine to make the GoSS's overall performance in the provision of security inside its territory a major disappointment – regardless of the standard one applies. In order to attain a clearer picture of the state of the domestic security situation, this section will begin in 6.1.2.1 by depicting the state agents meant to provide security and then in 6.1.2.2 lays out the non-state actors that challenge the state's monopoly of violence and in some cases provide alternatives to the state's security sector. Finally, in 6.1.2.3 the issue of demobilization, disarmament and reintegration of former combatants will be addressed as it has great import for overall security in a post-conflict setting like South Sudan's.

6.1.2.1. State agents of security provision

To begin with, among South Sudanese there is generally a very low threshold to use violence in order to further personal interests or to settle an argument. A study on the psychological effects of war revealed relatively few cases of post-traumatic stress syndrome but found high levels of aggression to be very common among former SPLA soldiers⁸⁵⁰. In a national survey, the most common sources of violence affecting South Sudanese directly were cattle raiding (25%), local crime (23%), inter-ethnic conflict (19%) and armed militias (12%) – while a meagre 5% of respondents said that they were not affected by any kind of violence⁸⁵¹. Rolandsen blames the militarization of society, the ease of access to weapons and the lack of institutional capacity to provide security as the main factors⁸⁵².

⁸⁴⁷ Johnson, Douglas H. *When Boundaries Become Borders: The impact of boundary-making in Southern Sudan's frontier zones*. London & Nairobi: Rift Valley Institute, 2010, pp. 95-101; see also Anderson and Browne (2011), p. 396.

⁸⁴⁸ Eulenberger, Immo, "Pastoralists, Conflicts, and Politics: Aspects of South Sudan's Kenyan Frontier", in Vaughan, Christopher; Schomerus, Mareike and de Vries, Lotje (eds.) *The Borderlands of South Sudan: Authority and Identity in Contemporary and Historical Perspectives*. New York: Palgrave Macmillan, 2013, pp. 67-88, p. 69.

⁸⁴⁹ Dargatz, Anja. *Die Party ist vorbei: Der Sudan zwischen Aufbruch und Katerstimmung*. Berlin: Perspektive FES Sudan, July 2011, p. 4.

⁸⁵⁰ Winkler, Nina. *Psycho-social intervention needs among ex-combatants in Southern Sudan*. Southern Sudan DDR Commission and Bonn International Center for Conversion (BICC), Juba, November 2010, p. 18.

⁸⁵¹ International Republican Institute (2011), p. 29.

⁸⁵² Rolandsen, Øystein H. *Land, Security and Peace Building in the Southern Sudan*. Oslo: PRIO Paper, December 2009, p. 2.

However, the initial point of departure for the GoSS is not only disadvantageous. After decades of warfare, citizens are wary of insecurity and show broad support for a strong army that receives a large share of the national budget and in turn ought to act as a deterrent to external as well as internal security threats⁸⁵³.

This popular demand is not fulfilled as the GoSS and its security organs are unable to maintain security and are hardly present outside the main towns⁸⁵⁴. Hence, civilians find themselves ill-protected from violence because both army and police appear to refrain from intervening and putting a halt to inter-communal fighting⁸⁵⁵. Lack of security also undermines the GoSS's standing in the public eye: "The legitimacy of the State is particularly challenged in the remote rural areas where the notion of a 'peace dividend' is in stark contrast to reality"⁸⁵⁶. Even when there had been clear warning signs of impending clashes, the GoSS did not interfere to stop the violence⁸⁵⁷. In addition, the terrible state of road and communication infrastructure mean that large tracts of the country (e.g. Jonglei) are inaccessible for security forces, in particular during the rainy season when most roads turn into mud⁸⁵⁸. The governor of Jonglei actually admitted to the security forces' inability to protect citizens from raiding due to lack of access, saying that "[e]ven if you have police 20km (12 miles) away, they can't get there"⁸⁵⁹. The continuously high levels of insecurity – due to cattle rustling, militias and criminality – are thus a major reason for public disaffection with the state⁸⁶⁰.

Thus, while there is support for a strong army *per se*, when it comes to evaluating the actual performance, state security organs are widely mistrusted and even perceived as a menace rather than a helping hand in need⁸⁶¹. A Crisis Group report found that "ill-treatment by under-resourced and sometimes predatory security forces" was a common complaint among South Sudanese⁸⁶² and a separate study ranked rogue conduct by soldiers and police as the main source of insecurity next to tribal conflicts and crime⁸⁶³. The UN Human Rights Council found that in South Sudan "[s]ystematic human rights abuses continue in an environment of impunity, with the most frequent and worst

⁸⁵³ Cook, Traci. *Building a Nation: South Sudanese share their thoughts on the creation of a successful state*. Washington: National Democratic Institute for International Affairs, 23 November 2011, pp. 11-12.

⁸⁵⁴ McEvoy, Claire and LeBrun, Emile. *Uncertain Future: Armed Violence in Southern Sudan*. Geneva: Small Arms Survey, April 2010, p. 18, 20. To be certain, this claim is a generalization of security perceptions in South Sudan. As a matter of fact, security perceptions are always local and can differ substantially even within the same county due to, for example, the circle of mutual raiding and revenge killings one particularly village is involved in.

⁸⁵⁵ Human Rights Watch. *No One to Intervene: Gaps in Civilian Protection in Southern Sudan*. June 2009, p. 5.

⁸⁵⁶ Bennett et al. (2010), p. 39.

⁸⁵⁷ Médecins Sans Frontières. *Facing up to Reality: Health crisis deepens as violence escalates in Southern Sudan*. December 2009, p. 16.

⁸⁵⁸ Willems, Rens and Rouw, Hans. *Security Promotion Seen from Below: Experiences from South Sudan*. The Hague: Working Group Community Security and Community-based DDR in Fragile States, September 2011, p. 12.

⁸⁵⁹ BBC News, "South Sudan horror at deadly cattle vendetta", 16 January 2012, <http://www.bbc.co.uk/news/world-africa-16575153> (accessed: 19 October 2012).

⁸⁶⁰ Cook and Moro (2012), pp. 9-10.

⁸⁶¹ Barltrop, Richard. *What Peace and Whose? Envisioning a more comprehensive, more stable peace in South Sudan and Sudan*. London: International Alert, February 2012.

⁸⁶² International Crisis Group. *Politics and Transition in the new South Sudan*. Africa Report No. 172, 4 April 2011, pp. 1-2.

⁸⁶³ Cook, Traci D. and Vexler, Dan. *Imagining the Election: A Look at What Citizens Know and Expect of Sudan's 2010 Vote*. Washington: National Democratic Institute for International Affairs, 30 September 2009, pp. 49-51.

abuses perpetrated by the security forces of Southern Sudan”⁸⁶⁴. Crucially, there is a significant gap in the capacities and in popular attitudes towards the SPLA army on the one and the police force on the other hand. It is the SPLA, and not the police, which is trusted as well as feared and that is seen as the main provider of security⁸⁶⁵. Even though the SPLA in its dealings with civilians is often itself a source of insecurity, it is far more competent to solve conflicts than the South Sudan Police Service.

South Sudan Police Service

The police force in South Sudan consists mostly of former SPLA soldiers who were transferred to their new positions without proper training in police work⁸⁶⁶. Many are illiterate and lack even basic equipment which makes the police particularly ill-equipped to deal with increasingly well-organized criminal networks from neighbouring states that operate on South Sudanese soil⁸⁶⁷. In addition, many police officers are in fact *retired* SPLA soldiers that are too old to be effective policemen⁸⁶⁸. The GoSS’s preference for the army, which the vast majority of high-ranking SPLM officials belonged to and fought for, is also reflected in the security sector budget, with spending for the SPLA far outpacing and coming at the expense of spending on the police⁸⁶⁹. As a result, the police are not capable of solving community-based issues like cattle-rustling as they are under-staffed and outgunned by civilians⁸⁷⁰. Police and SPLA are often no match for local raiding forces, many of whom have received some form of military training during the war. Another reason is that SPLA elite troops are concentrated near the volatile border with Sudan and cannot easily be deployed elsewhere in the country⁸⁷¹.

Furthermore, when actually present on the ground, police often lack discipline (e.g. they are drunk while on duty) and are widely seen as corrupt and even predatory⁸⁷². In a study of Ikotos County in Eastern Equatoria, respondents described how the police accepted bribes to let suspects go, used torture and collective punishments on the communities of suspected criminals and was prone to drunkenness⁸⁷³. And prior to the cabinet reshuffle and the appointment of Aleu Ayieny Aleu as the new minister of the interior in August 2013, many of the rising number of violent crimes in Juba,

⁸⁶⁴ United Nations Human Rights Council. *Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman*. New York, 22 August 2011, p. 17.

⁸⁶⁵ Ashkenazi, Michael; Farha, Joe; Isikozlu, Elvan; Radeke, Helen and Rush, Philip. *Services, Return and Security in Four Counties in Southern Sudan*. Survey commissioned by AAH-I and IPCS, Final Report, Bonn International Centre for Conversion, 2008, pp. 34-37.

⁸⁶⁶ Mailer, Maya and Poole, Lydia. *Rescuing the Peace in Southern Sudan*. Joint NGO Briefing, Oxfam International, January 2010, p. 9.

⁸⁶⁷ Mbugua, Joseph Kioi. *Security and Organized Crime: Dynamics and Challenges in South Sudan*. Nairobi: International Peace Support Training Center, Occasional Paper No. 2, 2012, p. 17.

⁸⁶⁸ Willems and Rouw (2011), p. 23.

⁸⁶⁹ OECD. *2011 Report on International Engagement in Fragile States: Republic of South Sudan*. OECD Publishing, 2011, p. 40.

⁸⁷⁰ Simonse, Simon. *Human security in the borderlands of Sudan, Uganda and Kenya*. Utrecht & Nairobi: IKV Pax Christi & Seeds of Peace Africa International, July 2011, p. 9.

⁸⁷¹ Rolandsen, Øystein H. *Why is violence escalating in Southern Sudan?*. Oslo: Noref Policy Brief, No. 2, February 2010, pp. 2-3.

⁸⁷² Downie, Richard. *Building Police Institutions in Fragile States: Case studies from Africa*. Washington: Center for Strategic & International Studies, January 2013, p. 14.

⁸⁷³ Ochan (2007), p. 21.

mainly robberies, were said to have been committed by off-duty police officers that used their guns to acquire some additional income⁸⁷⁴.

Many of these issues originate at the leadership level as appointments are based less on meritocratic considerations than on military rank and achievements during the civil war. Even the former minister of the interior admitted that the police was still struggling to break the tribal blocs inside the police⁸⁷⁵. While the overall number of police have increased from approximately 30.000 to 52.000⁸⁷⁶ following a reform in the run-up to the referendum, there is little improvement in output as the culture and training of police remain violent, abusive, militarized and thus ill-suited for interaction with civilian matters⁸⁷⁷. This culture of violence and brutalization arguably goes back to SPLA training camps that, in the words of a high-ranking SPLA member, taught gun-worship and were run much like concentration camps⁸⁷⁸. A key factor in the lack of discipline may also be the immense wage discrepancy between army and police, “with SPLA personnel receiving three or four times more than SSPS members”⁸⁷⁹. As such, relations between SPLA and the police are tense and violent clashes between members of police and army not uncommon⁸⁸⁰. The police are generally not in a position to arrest offenders that belong to the SPLA⁸⁸¹. Quite on the contrary, the SPLA frequently transgresses its legal authority by arresting and detaining suspected wrongdoers instead of leaving that task to the police⁸⁸².

6.1.2.2. Internal non-state agents of violence

While few South Sudanese would deny that security has improved in comparison to the civil war period, there are still multiple sources of insecurity and violence throughout the country. A good indicator for the degree of domestic insecurity is the high number of IDPs, with the UN counting 350,000 newly displaced in South Sudan in 2011 alone⁸⁸³. In the five months since the alleged coup attempt in December 2013, the Internal Displacement Monitoring Centre (IDMC) estimated that the number of internally displaced in South Sudan has risen to over 950,000⁸⁸⁴. Of the five prime causes for displacement that IDMC listed in 2012 – a) fighting between SAF and SPLA in Abyei in May 2011;

⁸⁷⁴ Interview with a foreign diplomat, Juba, 20 October 2013.

⁸⁷⁵ *Radio Miraya*, “Random killings to end: Interior Minister”, 12 December 2012, <http://www.radiomiraya.org/our-programs/interviews.html#gsc.tab=0> (accessed: 23 March 2014).

⁸⁷⁶ A recent report, however, stated that 11.000 ‘ghost police’ were discovered on the payroll while more cases were being investigated. *Al Jazeera*, “Ghost names found on S Sudan police payroll”, 27 August 2013, <http://www.aljazeera.com/news/africa/2013/08/2013827153555380611.html> (accessed: 27 August 2013).

There are similar rumours surrounding the number of ‘ghost soldiers’.

⁸⁷⁷ Downie (2013), pp. 14-15.

⁸⁷⁸ Nyaba, Peter Adwok. *The Politics of Liberation in South Sudan: An Insider’s View*. Kampala: Fountain Publishers, 1997, pp. 49-50.

⁸⁷⁹ Snowden, John A. *Work in Progress - Security Force Development in South Sudan through February 2012*. Geneva: Small Arms Survey, June 2012, p. 28.

⁸⁸⁰ Lokuji, Alfred Sebit; Abatneh, Abraham Sewonet and Wani, Chaplain Kenyi. *Police Reform in Southern Sudan*. Ottawa & Juba: North South Institute & Centre for Peace and Development Studies, Policy Paper, June 2009, p. 20.

⁸⁸¹ *Ibid*, p. 23.

⁸⁸² United States Department of State. *Country Reports on Human Rights Practices for 2011: South Sudan*. Washington: Bureau of Democracy, Human Rights and Labour, 2012, p. 7.

⁸⁸³ Internal Displacement Monitoring Centre (IDMC). *South Sudan: New displacement adds to critical humanitarian situation in the country since independence*. 26 June 2012, p. 27.

⁸⁸⁴ IDMC. *Global Figures: Conflict and violence-induced displacement*. Available at: <http://www.internal-displacement.org/global-figures> (accessed: 7 May 2014).

b) fighting between SPLA and new dissident militias in South Sudan (Upper Nile, Unity, Jonglei); c) tribal conflicts over cattle and resources (Jonglei); d) the Lord's Resistance Army (25 attacks in 2011: Western Equatoria, Western Bahr el Ghazal); e) floods and the 2011 drought (Warrap, Lakes, Northern Bahr el Ghazal, Jonglei)⁸⁸⁵ – three were directly related to agents of violence that the state's security organs were unable to stymie. In the following, we shall discuss each factor of insecurity separately – rebel militias, the Lord's Resistance Army, inter-ethnic raiding and, not mentioned by IDMC, armed youth gangs – though the interrelatedness of these actors and factors of insecurity is bound to show up.

Rebel militias

One of the greatest current threats to internal security and stability in the independent Republic of South Sudan are rebellious SPLA generals⁸⁸⁶. In the immediate aftermath of the Naivasha Peace Agreement, the GoSS had been very successful in neutralizing the largest domestic source of insecurity at the time: the South Sudan Defence Forces. Having negotiated their integration into the ranks of the SPLA in the 2006 Juba Declaration, the SSDF was effectively broken as a military force⁸⁸⁷ while some remnants sought to develop a political branch in its stead⁸⁸⁸. Alden, however, claims that the SSDF nonetheless retains the ability to act as a spoiler “not because of its present number of ‘active duty’ members but rather because of its ability to rapidly recruit afresh, as well as call up ‘reservists’ should conflict resume in the south”⁸⁸⁹. The swiftness with which formally disbanded militias can reassemble was evident in late December 2013 when after less than two weeks of conflict, the White Army composed of Nuer soldiers was said to march on the town of Bor in Jonglei with up to 20.000 men⁸⁹⁰.

A fresh round of rebellions against the SPLM-led government in Juba broke out following the national and state-level elections of 2010. In the wake of defeat at the ballot box, a number of disappointed candidates took up arms to wage war against Juba while employing the language of tribalism and ‘tribal’ marginalization to rally their troops and attract disaffected youth⁸⁹¹. Muntu Mutallah Abdallah, for example, used to be the NCP's county commissioner in Maban County. After losing in the 2010 elections, he raised a militia that of 2013 was affiliated to Gordon Kong's South Sudan Defence Forces⁸⁹². The most prominent of these generals-turned-rebel-leaders was George Athor who, having failed to win the governorship of Jonglei via elections, operated with an estimated 3,000 fighters in the state until he was ambushed and killed in December 2011⁸⁹³. Other militias included

⁸⁸⁵ IDMC (2012), pp. 21-26.

⁸⁸⁶ Dargatz (2011), p. 3.

⁸⁸⁷ Young, John (2006), p. 39.

⁸⁸⁸ Arnold, Matthew B. and LeRiche, Matthew. *Allies and defectors: An update on armed group integration and proxy force activity*. Geneva: Small Arms Survey, Sudan Issue Brief, No. 11, May 2008, p. 3.

⁸⁸⁹ Alden, Chris; Thakur, Monika and Arnold, Matthew. *Militias and the Challenges of Post-Conflict Peace: Silencing the Guns*. London: Zed Books, 2011, p. 47.

⁸⁹⁰ Mortensen, Antonia and Farshbaf, Neda, “Reports of White Army march raise fears of more violence in South Sudan”, *CNN*, 30 December 2013, http://edition.cnn.com/2013/12/29/world/africa/south-sudan-conflict/index.html?iid=article_sidebar (accessed: 27 February 2014).

⁸⁹¹ Atta-Asamoah, Andrews; Sharamo, Roba D. and Mwanzia, Philip M. *South Sudan: origins and implications of emerging (in)security dynamics*. Addis Ababa: African Centre for Peace and Security Training, Institute for Security Studies Africa, Situation Report, 29 July 2011, p. 4, 7.

⁸⁹² Small Arms Survey. *Pendulum swings* (2013), p. 7.

⁸⁹³ *BBC News*, “South Sudan rebel George Athor ‘killed’”, 20 December 2011, <http://www.bbc.co.uk/news/world-africa-16273758> (accessed: 17 February 2013).

the South Sudan Liberation Movement/Army, active in Upper Nile since 1999, and the National Democratic Front, established in September 2011⁸⁹⁴. Presently, the largest rebel militia is the South Sudan Democratic Army Cobra faction run by David Yau Yau, a Murle, who defected from the SPLA in April 2012, and is active in Pibor County of Jonglei state⁸⁹⁵. Yau Yau, who claimed to be “fighting for the people of South Sudan, the minority communities like the Murle and the others” to be better represented⁸⁹⁶ and has been blamed for several atrocities, was said to have agreed to a ceasefire agreement in January 2014⁸⁹⁷.

These rebellions and militia activities are not grounded in political-ideological grievances with the GoSS but appear to be motivated by the desire to achieve favourable terms for the eventual reintegration into the SPLA⁸⁹⁸. General Peter Gadet’s conduct is merely a particularly flamboyant case of someone who has repeatedly switched sides both during and after the CPA⁸⁹⁹. The latest instance in his personal cycle of rebellion and reintegration was the seizure of Bor as part of Riek Machar’s anti-Kiir alliance in December 2013⁹⁰⁰ and Gadet was also the first South Sudanese to be targeted by U.S. sanctions⁹⁰¹. A military-cum-rebel career like Gadet’s is made possible by the state’s military weakness – in May 2013 the SPLA temporarily lost the symbolically important town of Boma, which was the first to be captured by the SPLA during the war in the 1980s⁹⁰² – and the concomitant willingness on the part of the government to extend an open hand towards the rebels which includes impunity and the promise of reintegration into the army. Salva Kiir granted the latest amnesty to six militia leaders in April 2013 and – until the ‘coup’ on December 15th 2013 – there was indeed a marked reduction in militia activity in the country⁹⁰³.

⁸⁹⁴ Ottaway, Marina and El-Sadany, Mai. *Sudan: From Conflict to Conflict*. Washington: The Carnegie Papers, May 2012, p. 16.

⁸⁹⁵ Excellent and reliable information on the personnel, chronology and backgrounds of the different rebel militias in South Sudan can be found on the website for the Human Security Baseline Assessment (HSBA) for Sudan and South Sudan at <http://www.smallarmssurveysudan.org/facts-figures/south-sudan/armed-groups/southern-dissident-militias.html> (accessed: 17 February 2013).

⁸⁹⁶ Tanza, John and Doki, Charlton, “Rebel Leader: We Want Our Own State”, *Voice of America*, 13 May 2013, <http://www.voanews.com/content/yau-yau-rebels-fighting-for-separate-state-south-sudan/1660425.html> (accessed: 14 May 2013).

⁸⁹⁷ Wudu, Waakhe Simon, “Rebel Leader Yau Yau Accepts Ceasefire”, *Gurtong*, 7 January 2014, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/14448/Rebel-Leader-Yau-Yau-Accepts-Ceasefire.aspx> (accessed: 27 January 2014).

⁸⁹⁸ International Crisis Group. *Politics and Transition* (2011), p. 4.

⁸⁹⁹ Gadet, initially second-in-command in Paulino Matiep’s pro-Khartoum militia, deserted to the rebel side for the first time in September 1999, allegedly for lack of salary payments (Human Rights Watch. *Sudan, Oil and Human Rights*. 2003, pp. 237-239). He later joined the SPLA in the wake of the 2006 Juba Declaration before rebelling again in April 2011, leading the newly formed South Sudan Liberation Army, before he was reintegrated into the SPLA in August 2011.

⁹⁰⁰ *Capital News*, “Machar calls on army to topple South Sudan President”, 19 December 2013, <http://www.capitalfm.co.ke/news/2013/12/machar-calls-on-army-to-topple-south-sudan-president/> (accessed: 27 February 2014).

⁹⁰¹ Gordon, Michael R., “U.S. Imposes First Sanctions in South Sudan Conflict”, *New York Times*, 6 May 2014, <http://www.nytimes.com/2014/05/07/world/africa/us-imposes-first-sanctions-in-south-sudan-conflict.html?ref=world&r=1> (accessed: 7 May 2014).

⁹⁰² Monyrach, Deng Machol, “SPLA recaptures Boma town in Jonglei amid fierce fighting”, *The Niles*, 22 May 2013, <http://www.theniles.org/articles/?id=1852> (accessed: 22 May 2013).

⁹⁰³ Small Arms Survey. *Pendulum swings* (2013), p. 7.

Lord's Resistance Army

An excellent illustration of GoSS inactivity in security provision is its policy (or lack thereof) towards the Lord's Resistance Army. Originating in Northern Uganda in the late 1980s, the LRA, a messianic and extremely brutal militia group, has been terrorizing local populations in the hard to access jungle areas straddling Uganda, Central African Republic, Democratic Republic of Congo and (Southern) Sudan since the early 1990s. After the Nasir split in 1991, the Sudanese army gained control of parts of the Uganda-Sudan border and from 1993 onwards Khartoum started to provide military aid to Joseph Kony as a proxy force against the SPLA and as retribution for Museveni's support to the Southern rebels⁹⁰⁴. Although Northern support to the LRA officially ceased after the CPA's signing⁹⁰⁵ and the organization was the target of multi-national military campaigns starting in 2008, Human Rights Watch in 2009 found that civilians in Western and Central Equatoria were ill-protected against continuing LRA attacks⁹⁰⁶. Cakaj similarly concluded that the SPLA was either unable or unwilling to protect people in Western Equatoria, who showed significantly more trust in the so-called Arrow Boys – local, mostly sparsely armed self-defence groups⁹⁰⁷. The government in Juba has even pledged financial support to the Arrow Boys to conduct the fight in its stead⁹⁰⁸.

Clear evidence for the perceived lack of government protection is a public appeal by 20 civil society groups from northern Congo, CAR and South Sudan to president Kiir, calling on him to fight the Lord's Resistance Army more decisively⁹⁰⁹. It is in this context that the fact that the Ugandan army remains on South Sudanese soil with the objective of fighting the LRA is locally taken as a sign of GoSS weakness⁹¹⁰. Even if the LRA is clearly not a priority for the government in Juba given the multiple sources of insecurity across its territory, local feelings of abandonment may very well become entrenched and eventually lead to a retreat from the state altogether. Since about 2012, however, organizations that monitor the LRA have registered a marked reduction in LRA attacks in South Sudan compared to Uganda, DRC and CAR, which they attribute to the UPDF presence, improved road and mobile phone networks and self-defence groups⁹¹¹.

Inter-ethnic raiding & conflict

While South Sudanese officials can with some justification point to the international dimension of armed rebellions due to the apparent support extended in terms of logistics and weapons supplies by Khartoum, this line of argumentation is more difficult to uphold with regard to inter-communal violence that is ravishing large swathes of the country. As the UN High Commissioner for

⁹⁰⁴ Prunier (2004), p. 366.

⁹⁰⁵ There have been credible reports that the LRA has established a new base in the Kafia-Kingi Enclave since 2011 in proximity to an SAF garrison. Ronan, Paul and Poffenberger, Michael. *Hidden in Plain Sight: Sudan's Harboring of the LRA in the Kafia Kingi Enclave, 2009-2013*. The Resolve LRA Crisis Initiative, Enough Project and Invisible Children, April 2013, pp. 16-19.

⁹⁰⁶ Human Rights Watch. *No One to Intervene* (2009), p. 4.

⁹⁰⁷ Cakaj, Ledio. *The Lord's Resistance Army and the Threat Against Civilians in Southern Sudan*. Report for The Enough Project, December 2009, pp. 3-5.

⁹⁰⁸ Conciliation Resources. *'When will this end and what will it take?' People's perspectives on addressing the Lord Resistance Army conflict*. London, November 2011, p. 14.

⁹⁰⁹ *Insight on Conflict*, "LRA: Civil society letter to South Sudan President", 19 November 2011, <http://www.insightonconflict.org/2011/11/civil-society-salva-kiir/> (accessed: 4 February 2013).

⁹¹⁰ Schomerus (2012), p. 143.

⁹¹¹ Invisible Children and The Resolve. *LRA Crisis Tracker: 2012 Annual Security Brief*. Washington, DC, 2012, p. 6.

Humanitarian Affairs reported for 2012, “[i]nter-communal violence persisted in the first half of the year, spiking in Jonglei State, affecting up to 170,000 people, with many of them being displaced and many more losing their livelihoods”⁹¹². And as a separate UNMISS report on the violence between Lou Nuer and Murle in December 2011-January 2012 concluded, perpetrators no longer act solely to steal cattle but use hate speech to incite violence against the other group, including women and children, *because of their ethnic identity*⁹¹³. A common explanation blames the prevalence of inter- and intra-tribal fighting and raiding on the brutalization of society through the long wars during which the use of force has lost the stigma previously attached to it⁹¹⁴. And the presence and availability of small weapons means that violence – when it occurs – is more likely to be deadly. Yet, at their core, most of these conflicts between Southern ethnic groups and clans derive from competition over scarce resources⁹¹⁵. In some areas, the climate also contributes to insecurity as pastoralists and sedentary farmers struggle over access to water during the dry season⁹¹⁶. In this context, a major security threat emanates from incursions of cattle into agricultural land, especially in southern Equatoria, and the resulting clashes – with possible involvement of the SPLA on the side of cattle herders⁹¹⁷.

Regarding the inter-ethnic violence in Jonglei between Murle and Lou Nuer since 2009, a Small Arms Survey Brief argues that the “[u]nderlying causes include persistent lack of services, increased competition over natural resources, and the erosion of traditional leadership structures and the unspoken rules of cattle raiding”⁹¹⁸. Attacks are driven by political and material exclusion (especially true for the Murle) but in recent years extend beyond the economically motivated cattle-raiding to ethnically-driven violence that also targets women and children⁹¹⁹. Neither GoSS, nor SPLA, nor UNMIS/UNMISS for that matter have so far been successful in calming the situation and bridging the gulf between communities. As mentioned above, the police are generally ill-equipped to protect herders from raids but even the presence of SPLA soldiers is not a guaranteed safeguard against attackers. Lou Nuer migrating with their cattle in Jonglei’s Akobo West sub-county in February 2013 were assaulted and overwhelmed even though they were accompanied by SPLA escorts⁹²⁰. Finally, the opportunity cost of raiding is not enough of a deterrent as “[t]he main challenge in Jonglei is not that people want to use violence to solve problems and disputes, but that the opportunity to use mass-violence with impunity exists”⁹²¹. Hence, in Jonglei as in many other parts of South Sudan where pastoralists live, high levels of need, resource scarcity and tradition combine with easy access

⁹¹² United Nations Office for the Coordination of Humanitarian Affairs (OCHA). *South Sudan: Consolidated Appeal Mid-Year Review 2012*. 30 June 2012, p. 1.

⁹¹³ United Nations Mission in South Sudan (UNMISS). *Incidents of inter-communal violence in Jonglei state*. June 2012, p. 33.

⁹¹⁴ Agwanda, Titus and Harris, Geoff, “People-to-people peacemaking and peacebuilding: A review of the work of the New Sudan Council of Churches”, *African Security Review*, Vol. 18, No. 2, 2009, pp. 42-52, p. 47.

⁹¹⁵ Mailer and Poole (2010), p. 2.

⁹¹⁶ Willems and Rouw (2011), p. 12.

⁹¹⁷ Ashkenazi et al. (2008), p. 17.

⁹¹⁸ Leff, Jonah. *My neighbour, my enemy: Inter-tribal violence in Jonglei*. Geneva: Small Arms Survey, Sudan Issue Brief, No. 21, October 2012, p. 1.

⁹¹⁹ Ibid.

⁹²⁰ United Nations Mission in South Sudan (UNMISS). *Report on the 8 February 2013 attack on Lou Nuer pastoralists in Akobo West Sub-County, Jonglei State*. April 2013, p. 14.

⁹²¹ Rolandsen, Øystein H. and Breidlid, Ingrid Marie, “A Critical Analysis of Cultural Explanations for the Violence in Jonglei State, South Sudan”, *Conflict Trends*, Durban: The African Centre for the Constructive Resolution of Disputes, No. 1, 2012, pp. 49-56, p. 55.

to weapons and a minimal risk of judicial prosecution to make cattle-raiding a route worth taking. This is especially true for one of the largest demographic groups in South Sudan: young men.

Armed Youth

Age-sets delineating social belonging and rank according to an individual's age group have been a key component of South Sudanese societies as a wealth of anthropological studies has established⁹²². In contemporary South Sudan where decades of war and forced migration have significantly altered social and cultural norms and expectations, youths, a category that can extend to people up to the age of 45, are a key demographic that could either be an asset or an obstacle to statebuilding and to security. There is a sense that the large number of unemployed, increasingly disillusioned and frequently armed youth of South Sudan⁹²³, many of whom have experience in violent forms of resolving conflict, constitute not only an economic and social but also a potential security risk if peace dividends continue to be scarce⁹²⁴. Thus, the National Minister of Agriculture called on idle youths to move back to the countryside to work in agriculture and help feed the nation⁹²⁵. These sentiments were echoed by the head of a government commission who said he was drawing up plans to have "those youth drinking tea and sitting under the trees" conscripted to work on government farms⁹²⁶. This is critical because for most young South Sudanese with at least some completed education, going back to 'digging', i.e. agricultural labour, only constitutes a last resort, a fallback option if everything else has failed⁹²⁷.

In the last couple of years, youth gangs have begun to constitute a substantial problem in urban areas of South Sudan. There are two main gangs, the *Niggaz* and the *Outlaws* (both started in 2009), which are active across the country and range from extremely dangerous to just exhibiting an alternative 'hip-hop' lifestyle⁹²⁸. In Eastern Equatoria, there is also the issue of increasingly militant youth groups, the *Monyomiji*, that fail to honour customs and elders⁹²⁹. Gangs are aided in their recruitment by very high levels of youth unemployment as even the few jobs available often go to foreign workers that possess more skills and training⁹³⁰. Many in South Sudan believe that gangs

⁹²² Evans-Pritchard, Edward Evan. *The Nuer: a description of the Modes of Livelihood and political institutions of a Nilotic people*. New York: Oxford University Press, 1969; Cunnison, Ian and James, Wendy (ed.) *Essays in Sudan Ethnography*. London: C. Hurst, 1972; Kurimoto, Esei and Simonse, Simon. *Conflict, age & power in North East Africa: age systems in transition*. Oxford: Currey, 1998; to give but three examples.

⁹²³ A study on the labour market situation in South Sudan found a large proportion of discouraged workers and "[t]hirty percent of all inactive young persons are neither in school nor interested in employment". Guarcello, Lorenzo; Lyon, Scott and Rosati, Furio C. *Labour market in South Sudan*. Rome: Understanding Children's Work Programme Working Paper Series, December 2011, p. 16.

⁹²⁴ USAID. *Government of Southern Sudan: Functional Capacity Prioritization Study*. Washington, 3 December 2009, p. 8.

⁹²⁵ Wudu, Waakhe Simon, "Minister Urges Youth to Participate In Agriculture Production", *Gurtong*, 21 March 2013, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/10190/Youth-Urged-To-Participate-in-Agricultural-Sector-Production.aspx> (accessed: 27 February 2014).

⁹²⁶ Interview in Juba, 18 October 2013.

⁹²⁷ Newhouse, Leonie. *Urban attractions: returnee youth, mobility and the search for a future in South Sudan's regional towns*. Geneva: UNHCR Research Paper No. 232, January 2012, pp. 9-10.

⁹²⁸ Sommers, Marc and Schwartz, Stephanie. *Dowry and Division: Youth and State Building in South Sudan*. Washington: United States Institute of Peace, Special Report No. 295, November 2011, p. 10.

⁹²⁹ Willems and Rouw (2011), pp. 14-15.

⁹³⁰ UNDP. *Creating opportunities for Youth Employment in Sudan*. Joint Programme Document, Sudan, 2008, p. 8.

receive backing from or are even orchestrated by members of the government and the armed forces, which is why they can largely act with impunity⁹³¹.

Another factor that drives youth violence is the inflation in dowry prices in the CPA period. For a South Sudanese man to reach adulthood he has to get married, which is only possible if he pays the required heads of cattle to the bride's family. As obtaining cattle is hard, especially for orphans and those lacking a wealthy family⁹³², youths resort to raiding while some are said to have joined militias with the express purpose of raiding cattle for dowry⁹³³. Finally, however, youth can also form armed groups to provide security that the state is unable to provide itself. This is in fact the explanation a Shilluk youth organization offered for establishing a defence group near Kodok in Upper Nile state⁹³⁴.

6.1.2.3. Demobilization, Disarmament, Reintegration

The hybridity of the state can also arise from within the state's own security sector. A key component of every post-conflict statebuilding manual is to account for the fate of fighters, their transition into a civilian life and the collection and destruction of weapons held by civilians. On the one hand, demobilization is essential for the state's budget as an oversized army cannot be maintained if other priorities, especially development, are to be met. On the other hand, releasing former soldiers into the void without any guidance and assistance bears the risk that they will fail to adjust to civilian life and turn to a life of crime or reactivate dormant militias. The latter aspect also applies to arms in the hands of civilians. After decades of an often viciously fought war, society has been brutalized and people have in many places become accustomed to using violence to get their way. Demilitarizing civilian life is therefore equally important for the creation and maintenance of physical security in the new state. Hence, the first part of this section will deal with DDR (demobilization, disarmament and reintegration) of former 'liberation' fighters while the second part addresses the issue of civilian disarmament.

Demobilization, disarmament & reintegration of fighters

The process of downsizing a (rebel) army after the end of conflict to the requirements of a peacetime state is typically known as the triplet demobilization, disarmament and reintegration. A DDR framework was established as part of the Comprehensive Peace Agreement negotiations and set to last in its initial phase from 2005-2012. All observers agree with the Sudan Human Security Baseline Assessment that DDR in South Sudan in this period has been an all around failure as only 13% of those designated to participate actually took part in (let alone finished) the programme⁹³⁵. The failure of DDR in South Sudan can be traced to a couple of factors. For one, while the CPA stipulated an overall number of soldiers that were to undergo disarmament (90,000), there were no specific targets and no details about the overall force strength that the SPLA was to have eventually⁹³⁶. In the

⁹³¹ Sommers and Schwartz (2011), p. 11.

⁹³² Newhouse (2012), p. 14.

⁹³³ Sommers and Schwartz (2011), p. 6.

⁹³⁴ *Sudan Tribune*, "South Sudan's Shilluk community forms defence force", 5 April 2014, <http://www.sudantribune.com/spip.php?article50548> (accessed: 6 April 2014).

⁹³⁵ Small Arms Survey. *DDR in South Sudan*. Geneva: Human Security Baseline Assessment (HSBA), 20 September 2011, p. 1.

⁹³⁶ Barltrop, Richard. *Negotiating Disarmament: The Negotiation of Security Issues in Sudan's Comprehensive Peace Agreement*. Lausanne: Centre for Humanitarian Dialogue, Country study No. 2, March 2008, p. 38.

CPA period, with the integration of the former militias of the South Sudan Defence Forces in 2006⁹³⁷, the number of soldiers enrolled in the SPLA actually rose rather than fell. Estimates of total troop strength are forcibly vague as they are based on haphazard evidence and documentation. Richard Rands in 2010 put the number at 140,000⁹³⁸ whereas the International Institute of Strategic Studies in 2014 pegged the total at 210,000 soldiers⁹³⁹.

Secondly, national ownership of the process was and continues to be highly questionable. The Southern Sudan DDR Commission (now the National DDR Commission) is under-resourced, most of the budget goes to salaries, and it is dependent on the UN and other international organizations for most of its work⁹⁴⁰. SPLA and SPLM did and do not take ownership of the DDR process and only formally complied to abide by the letter of the CPA⁹⁴¹. The lack of governmental buy-in into the DDR framework is epitomized by the fact that, contrary to CPA provisions, South Sudan (just as Sudan) used the CPA period to refurbish and upgrade its weaponry, with Ukraine and Russia the largest suppliers⁹⁴². And as verification of candidates for demobilization is practically impossible in the absence of a national master list of candidates, the SPLA actually uses DDR as a form of social service provision for individuals that are already back in civilian life rather than to demobilize actual soldiers⁹⁴³. All of this is aided by the fact that contrary to the CPA that outlined a community-based reintegration strategy, practitioners on the ground have opted for an individualized DDR approach⁹⁴⁴, i.e. training and cash allowance are given to individual soldiers rather than to groups or communities. Yet, it is local communities that have to shoulder the burden of reintegrating ex-combatants that may struggle with a return to civilian life⁹⁴⁵.

In addition, some demobilized soldiers have apparently been remobilized and reintegrated into the SPLA⁹⁴⁶. A much bigger problem, however, is that ever since the SPLA started paying regular salaries from around 2006/7, the attractiveness of taking part in DDR measures has decreased substantially and soldiers had to be pushed to participate⁹⁴⁷. What is more, the allowance for demobilized soldiers is probably too small to entice well-paid soldiers with little marketable skills in the world outside the army to give up the gun⁹⁴⁸ and the government made matters worse by doubling SPLA salaries

⁹³⁷ Young, John (2006).

⁹³⁸ Rands, Richard. *In Need of Review: SPLA Transformation in 2006-10 and Beyond*. Geneva: Small Arms Survey, November 2010, p. 23.

⁹³⁹ International Institute of Strategic Studies. *The Military Balance 2014*. London, February 2014, p. 460.

⁹⁴⁰ Preston, Sarah; Smith, Henry and Kefford, Stuart. *Developing integrated approaches to post-conflict security and recovery: A case study of integrated DDR in Sudan*. Saferworld, July 2008, pp. 14-15.

⁹⁴¹ Stone, Lydia. *Failures and opportunities: Rethinking DDR in South Sudan*. Geneva: Small Arms Survey, Sudan Issue Brief, No. 17, May 2011, pp. 4-5. The one visible sign of official recognition of DDR's value can be found in a street in Juba's Thonping neighbourhood called "Street of the DDR".

⁹⁴² Wezeman et al. (2011), p. 28.

⁹⁴³ Stone (2011), p. 8.

⁹⁴⁴ Muggah, Robert; Colletta, Nat and Savannah de Tessières, "Alternatives to Conventional Security Promotion: Rethinking the Case of Southern Sudan", in *Southern Sudan and DDR: Adopting an Integrated Approach to Stabilization*. Workshop Papers, Small Arms Survey, Juba, Southern Sudan, 25-26 June 2009, pp. 11-39, p. 20.

⁹⁴⁵ Brethfeld, Julie. *Unrealistic Expectations: Current Challenges to Reintegration in Southern Sudan*. Geneva: Small Arms Survey, June 2010, p. 10, 23, 33.

⁹⁴⁶ Nichols, Ryan. *DDR in Sudan: Too Little, Too Late?* Geneva: Small Arms Survey, February 2011, p. 42.

⁹⁴⁷ Stone (2011), p. 3.

⁹⁴⁸ Nichols (2011), p. 38.

shortly before the referendum in January 2011⁹⁴⁹. William Deng Deng, chairman of the South Sudan DDR Commission, indeed recognizes that “the current approach is not sufficiently based in the realities on the ground” and advocates for a stronger focus on training and educational activities for ex-combatants⁹⁵⁰. In early 2013, the GoSS promised new efforts to make DDR more attractive⁹⁵¹ but the effects remain to be seen. A substantial mapping exercise of potential livelihood opportunities for demobilized fighters assumed a total figure of 150,000 participants – 80,000 active soldiers and 70,000 from other security forces⁹⁵². The announcement in early 2013 that more than 100 army generals had been retired by the president⁹⁵³ should, however, be taken as a sign of an internal power struggle rather than as a first step to a force reduction in line with the DDR spirit.

Civilian disarmament: “an hour with a gun is better than a month in the market”⁹⁵⁴

While disarmament of former rebel soldiers did not succeed, civilian disarmament – the second pillar of post-conflict DDR efforts – has been downright disastrous. Periods of inaction have alternated with ill-planned and ill-executed disarmament drives that have left scores dead and contributed to instability and disenchantment with the government rather than strengthening security and public trust. Civilians are estimated to hold about two-thirds of all small weapons circulating in South Sudan⁹⁵⁵. For a start, local communities as a rule do not fully understand the concept and purpose of disarmament; a shortcoming that can be attributed to the government’s failure to communicate these objectives to the public⁹⁵⁶. In fact, South Sudan still has not passed legislation regulating ownership and use of firearms⁹⁵⁷. Furthermore, since the 1980s guns have become an important symbol of wealth, power, physical strength and marriage worthiness for young South Sudanese men as individual ownership of weapons has replaced the pre-war norm of collective ownership⁹⁵⁸.

Hence, it should not come as too much of a surprise that efforts at disarming civilians have been ineffective, marred by resistance and violent clashes and failed to unearth many weapons⁹⁵⁹. An assessment of the 2008 nationwide disarmament campaign concluded that the operation was poorly

⁹⁴⁹ Small Arms Survey (2011), p. 6. On the other hand, a substantial part of the available budget for DDR goes from the UNDP to expensive international NGOs rather than towards much cheaper local organizations. *taz*, “UN bereichert sich im Südsudan. Danke für das Geld”, 22 December 2010, <http://www.taz.de/l63235/> (accessed: 4 October 2012).

⁹⁵⁰ Southern Sudan Demobilization, Disarmament and Reintegration Commission. *DDR in Southern Sudan – Lessons Learned and Challenges ahead of the Referendum*. Final Communiqué, Juba, 16 November 2010.

⁹⁵¹ *Sudan Tribune*, “South Sudan transforms DDR program to make it attractive to ex-combatants”, 11 February 2013, <http://sudantribune.com/spip.php?article45483> (accessed: 12 February 2013).

⁹⁵² Jiji (2012), p. 22.

⁹⁵³ *Arab News*, “South Sudan president retires over 100 army generals”, 18 February 2013, <http://arabnews.com/south-sudan-president-retires-over-100-army-generals> (accessed: 18 February 2013).

⁹⁵⁴ A quote from a man in West Darfur that also applies to much of South Sudan. Abdelnour, Samer. *A Convergence of Need: Reintegration as a Community Process of Development for Returnees and Ex-combatants in the Sudan*. Paris: Middle East Institute & Fondation pour la Recherche Stratégique, 15 December 2010, p. 3.

⁹⁵⁵ da Silva, Clare; Parker, Sarah and Varney, Howard. *Community security and small arms controls: Developing a legislative framework for Southern Sudan*. London et al.: Saferworld, October 2010, p. 6.

⁹⁵⁶ Rowe, Ian and Banal, Laurent. *Sudan: Assessment of the Disarmament and Demobilisation process*. United Nations Integrated DDR Unit, 28 November 2009, p. 20.

⁹⁵⁷ da Silva et al. (2010), p. 8.

⁹⁵⁸ Myrtilinen, Henri and McInturff, Kate. *Gender, Small Arms and Development: The Case of Southern Sudan*. Ottawa: Peacebuild, 2008, pp. 10-11; see also Skedsmo, Arild; Danhier, Kwong and Gor Luak, Hoth, “The Changing Meaning of Small Arms in Nuer Society”, *African Security Review*, Vol. 12, No. 4, 2003, pp. 57-67.

⁹⁵⁹ da Silva et al. (2010), p. 6.

planned, highly decentralized, lacked support from the South Sudanese government and was only erratically implemented, with five of ten states ignoring the directive altogether⁹⁶⁰. In several localized areas, the experience of forced disarmament (voluntary disarmament was neither popular nor given much time to succeed) has been particularly violent, harrowing and disempowering. The fact that disarmament has proceeded very unevenly has additionally heightened feelings of insecurity as communities that had to hand over their weapons were subsequently targeted by other communities that had been able to retain their weapons⁹⁶¹.

Jonglei state is a particularly good case to illustrate the unevenness of disarmament, with critics charging that the GoSS specifically targeted those areas and population groups – e.g. Lou Nuer and Murle – that were deemed the least loyal to the government and thus a potential source of instability⁹⁶². A first disarmament campaign from January to August 2006 (including Upper Nile) was driven by the attempt to control the threat of White Army youth militias that continued to be active after the CPA⁹⁶³. A follow-up campaign in Jonglei in 2007 was said to have contributed to insecurity with groups that had been disarmed becoming the target of attacks by neighbouring groups that had avoided disarmament⁹⁶⁴. At the same time, rather than taking confiscated weapons out of the system altogether, these weapons were partially redistributed to policemen⁹⁶⁵. Another disarmament campaign in 2012 designed to eradicate the underlying causes of persistent rebellions and inter-ethnic raiding in the state, resulted in massive human rights abuses committed by government forces as it was found

that men, women and children were subjected to extrajudicial executions and other unlawful killing, torture and other cruel, inhuman or degrading treatment or punishment and unnecessary or excessive use of force by the SPLA and SSPS Auxiliary Force, including shootings, beatings, simulated drowning and rape.⁹⁶⁶

Even where no attacks occurred, the sense of relative weakness compared to groups that live in surrounding or adjacent areas has been deeply unsettling⁹⁶⁷. Thence, as Willems and Rouw argue, the process of disarmament is often perceived as distinctly disempowering and even akin to castration⁹⁶⁸: “The proliferation and the retaining of SALW [=small arms and light weapons] is rationally logical when looking into the prevalent circumstances in South Sudan”⁹⁶⁹. In a survey conducted in Eastern Equatoria and Northern Kenya, 90% of respondents said that a gun “makes a person safer”, while 75% believed that a reduction of weapon ownership at the village and

⁹⁶⁰ O'Brien, Adam. *Shots in the Dark: The 2008 South Sudan Civilian Disarmament Campaign*. Geneva: Small Arms Survey, HSBA Working Paper No. 16, January 2009, p. 11.

⁹⁶¹ For instance, when the Dinka community in Bor was disarmed in June 2006, their Nuer neighbours immediately came to steal their cattle. Ochan (2007), p. 36.

⁹⁶² Rolandsen (2010), p. 4.

⁹⁶³ Alden et al. (2011), p. 65.

⁹⁶⁴ Garfield, Richard. *Violence and Victimization after Civilian Disarmament: The Case of Jonglei*. Geneva: Small Arms Survey, December 2007, p. 15.

⁹⁶⁵ Lewis, Mike. *Skirting the Law: Sudan's Post-CPA Arms Flow*. Geneva: Small Arms Survey, September 2009, p. 36.

⁹⁶⁶ Amnesty International. *South Sudan: Lethal Disarmament. Abuses Related to Civilian Disarmament in Pibor County, Jonglei State*. London: Amnesty International Publications, October 2012, p. 8.

⁹⁶⁷ Mailer and Poole (2010), p. 13.

⁹⁶⁸ Willems and Rouw (2011), p. 33.

⁹⁶⁹ Ibid, p. 24.

community level would result in less rather than more overall security⁹⁷⁰. While the experience of escalating violence has tainted the allure of weapons somewhat⁹⁷¹, guns' central place in South Sudanese life is reflected in the title of a study on disarmament: 'This Gun is Our Food'⁹⁷².

Matters are further complicated by reports that the GoSS has in some instances actually armed civilians as proxy forces. According to Mike Lewis, "supplying small arms and ammunition to Southern Sudanese communities remains both a means of political patronage for the SPLA and a tool for outsourcing the provision of security in the absence of the GoSS's ability to provide for community security"⁹⁷³. Even the Deputy Minister of General Education and Instruction Rebecca Joshua claimed that weapons were given out to civilians instead of being destroyed⁹⁷⁴. Finally, even those weapons and ammunitions that are actually confiscated are stored in ramshackle conditions which makes them prone to theft⁹⁷⁵.

6.1.3. The hybrid quasi state in South Sudan – at a glance

South Sudan very much fits the characterization as a hybrid quasi-state as depicted in the typology (Ch. 4.1.1). The country has received international recognition as a matter of course contemporaneously with independence but foreign governments from Uganda, Sudan as well as the United Nations continue to circumscribe South Sudan's international (as opposed to Westphalian) sovereignty. The multifarious complications that affect South Sudan's borders from Abyei to Toposa, from the DRC to Uganda, in spite of the idiosyncrasies and the high degree of variation they exhibit combine to draw a very illustrative picture of borderlands and statehood in South Sudan. For South Sudan, the perplexing reality is that demarcation, delineation and nominal-legal control over a definite territory and thus over its international borders has been extremely important in the government's public communications both with its own people and with the international community. Domestically, demonstrating control over borders has been a means to gain legitimacy and prove the regime's credentials as a guardian of the nation while internationally it served the wider purpose of showing the government's capacity to act as a bona fide government in the run-up to secession⁹⁷⁶.

In reality, however, borders do not delimit the geographical scope of government action as South Sudan is both unable to prevent alternative non-state agents of violence from roaming its soils while its own troops do not stop short at international borders in pursuing their interests⁹⁷⁷. At the same time, local communities are not mere extensions of the GoSS but articulate and pursue their own

⁹⁷⁰ Muggah, Robert; Murray, Ryan; Garfield, Richard and McEvoy, Claire. *Surveying armed violence, arms and victimization in Southern Sudan: findings and challenges*. Brighton: Households in Conflict Network, Research Design Note No. 8, June 2008, pp. 9-10.

⁹⁷¹ Skedsmo et al. (2003).

⁹⁷² Arnold, Matthew B. and Alden, Chris. *'This Gun is our Food': Demilitarising the White Army Militias of South Sudan*. Oslo: Norwegian Institute of International Affairs, No. 722, 2007.

⁹⁷³ Lewis (2009), p. 54.

⁹⁷⁴ Edward, Joseph, "Fear lingers in South Sudan despite independence", *The Niles*, 22 February 2013, <http://www.theniles.org/articles/?id=1697> (accessed: 27 February 2013).

⁹⁷⁵ Kahl, Marius, "The Challenge of Managing State-owned Small Arms and Light Weapons in South Sudan", *BICC Feature*, No. 1, October 2011, p. 1.

⁹⁷⁶ Frahm, Ole. *Making Borders and Identities in South Sudan*. Paper presented at the 5th European Conference on African Studies, Lisbon, June 2013.

⁹⁷⁷ Frahm, Ole. *Deterritorialisation and reconfigured sovereignty in South Sudan*. Paper presented at the 56th Annual Meeting of the African Studies Association, Baltimore, November 2013.

groups' interests when they feel – as is often the case – that Juba does not stand up for their territorial rights. Rebel militias with foreign sponsors (read: Khartoum) also impinge on South Sudan's monopoly of violence. A return to a full-fledged international war with the Republic of Sudan, not to mention South Sudan's other neighbours, does, however, appear not very likely. The relative balance of strength between SAF and SPLA and the high diplomatic costs of a potential full-blown war make such a course of action seem increasingly improbable⁹⁷⁸.

Domestically, however, is where South Sudan's hybridity and quasi-stateness really becomes apparent. Large parts of the country see neither police nor army in their counties but even when security agents are present, they routinely fail to provide security to citizens: either out of unwillingness or lack of capacity and equipment or because they themselves prey on the population. Violence by state agents has accompanied each disarmament drive but to no avail; small weapon ownership and availability remain high. In addition to anti-government militias that have regularly sprung up since 2005 and can not be defeated militarily by the SPLA, inter-tribal violence and raiding has been on the rise not only in Jonglei. Across the country, armed and underemployed youth constitute a threat to citizens' security that the state is unable to curb. Violence in South Sudan has elements of a vicious circle: citizens react to insecurity and the state's inability to protect them by arming themselves and using violence to fend off, for instance, cattle raiders. On the other hand, the widespread armament of civilians and their willingness to use force is in itself a massive factor of insecurity and constitutes an additional obstacle for the state to attain and maintain a monopoly of violence.

⁹⁷⁸ Gabrielsen Jumbert, Maria and Rolandsen, Øystein H. *After the split: post-secession negotiations between South Sudan and Sudan*. Oslo: NOREF report, December 2013, p. 3. Additionally, the opportunity costs of war may simply be too high considering that both governments but especially the NCP-regime in Khartoum rely on handouts to its supporters to maintain a hold on power. A speculative study calculated the costs to Sudan of a potential return to war at 52 billion USD over 10 years for the medium conflict scenario (80% of current annual GDP) and 81 billion USD for the high conflict scenario (120% of GDP). Frontier Economics. *The cost of future conflict in Sudan*. London, 2010, p. 15.

6.2. The illegitimate state in South Sudan

Following on from the assessment of the degree to which South Sudan is a hybrid quasi-state that neither provides security to its citizens nor possesses a monopoly of violence on its territory, this chapter is going to look in more detail at the non-security aspects of statehood. As established in the typology of the African state (Ch. 4.1.2), African states are frequently characterized by institutions that function only nominally, regimes that only on paper respond to their citizens, judges that only in theory adhere to the letter of the law. For South Sudan, there were already concerns at the time when the Comprehensive Peace Agreement had just been signed “that the national pattern of governance was likely to be repeated within the South”⁹⁷⁹ because SPLM institutions lacked transparency, accountability and democratic legitimacy.

Thus, this chapter on the illegitimate state in South Sudan will first of all in 6.2.1 take a look at the performance and reach of modern state institutions like the judiciary and of social services like the health and education sectors. The second part in 6.2.2 will deal with the various components of what is commonly called democratization, which apart from elections refers to constitution-making, freedom of the press and democratic political conduct. In both cases, the progress or lack thereof will be measured against the Government of South Sudan’s own declarations of intent – insofar as that is possible. At the same time, a general assessment of the state of each institution, each substrata of modern statehood will be forwarded based on the available evidence.

6.2.1. The non-performing state: modern state institutions & services in South Sudan

The overview over the state of modern state institutions and services in South Sudan will proceed from the general to the specific: starting out in 6.2.1.1 with an overall look at the presence of the state in South Sudan past and present and the state’s capacity to reach its citizens before analyzing three key sectors of modern statehood: 6.2.1.2 inspects the judiciary including customary law, 6.2.1.3 the field of primary to higher education and 6.2.1.4 the health sector. These four sub-sections should furnish an understanding to what extent South Sudan is a performing or a non-performing state.

6.2.1.1. *Presence of the state and its institutions*

A modern state is largely defined and judged by its citizens on its ability to deliver services to citizens; services that citizens indirectly pay for through their taxes. South Sudan and, more to the point, South Sudanese have arguably never experienced such a state.

Prior to 2005

Even after the nominal conquest of Sudan in 1821, the Southern areas of contemporary South Sudan were not penetrated for most of the 19th century except by slave raiders, ivory merchants and occasional traders and explorers⁹⁸⁰. The Mahdiyya affected South Sudan but most of the South was never controlled by the Mahdi or his successor. While there are different perspectives on the violence and cruelty of British colonial rule – the Royal Air Force pioneered indiscriminate aerial

⁹⁷⁹ Bennett et al. (2010), p. 34.

⁹⁸⁰ Klein, Martin A. (2009), p. 183.

bombardment of Nuer areas in the 1920s and 1930s⁹⁸¹ – few would argue with Collins’ assessment of British rule in the South as minimal. Very few administrators with even fewer resources meant that “south of Malakal the Africans were left to their traditional cultures and got on with their lives with minimal interference from the imperial authorities unless they disrupted the peace”⁹⁸². Outside of the central Gezira region around Khartoum, political control was generally not very tight, which was not simply the result of the later and thinner extension of British control to the South but was also due to the conscious adoption of the policy of indirect rule during the 1920s⁹⁸³. In short, Britain had no interest in setting up a centralized bureaucracy⁹⁸⁴. The price of relying on a light state structure that granted relative autonomy to local communities was social, political and economic stasis⁹⁸⁵.

Independent Sudan neglected the South for most of its existence and fought a bloody insurgency throughout the 1960s. Two decades of civil war following the resumption of fighting in 1983 and widespread devastation rendered South Sudan at the turn of the century into a “stateless situation [where] one can observe the revitalisation of traditional-political grass-root movements, the development and networking of new forms of political representation, and local and regional institution building”⁹⁸⁶ and the dominance of international NGOs (so-called INGOs) in the delivery of services to the people. Existing government institutions in South Sudan like the Southern Coordination Council, the Khartoum government’s official arm in Juba, were very weak as their effective authority only extended over a very limited territorial area⁹⁸⁷. Hence, writing at the time of the Machakos negotiations in 2002, John Young considered the South arguably less prepared to administer the state than after the signing of the 1972 Addis Ababa Agreement thirty years prior⁹⁸⁸.

During the war, social services and education in rebel-held areas were largely left to international NGOs⁹⁸⁹ while civil administration – officially instituted separate from the military structure at the SPLM’s 1994 Chukudum Convention⁹⁹⁰ – suffered from the SPLM’s military culture and John Garang’s

⁹⁸¹ Omissi, David E. *Air Power and Colonial Control: The Royal Air Force, 1919-1939*. Manchester: Manchester University Press, 1990, p. 159.

⁹⁸² Collins, Robert O., “Malakal Revisited: Britain in the Southern Sudan after fifty years”, in Collins, Robert O. *Civil Wars & Revolution in the Sudan: Essays on the Sudan, Southern Sudan, and Darfur, 1962-2004*. Hollywood: Tsehaj, 2005, pp. 357-366, p. 359.

⁹⁸³ Daly, Martin W. *Imperial Sudan: the Anglo-Egyptian condominium, 1934-56*. Cambridge: Cambridge University Press, 1991.

⁹⁸⁴ Wai, Dunstan M., “Pax Britannica and the Southern Sudan: The View from the Theatre”, *African Affairs*, Vol. 79, No. 316, 1980, pp. 375-395, p. 376.

⁹⁸⁵ Woodward, Peter. *Sudan 1898-1989: The Unstable State*. Boulder: Lynne Rienner, 1990, pp. 48-49.

⁹⁸⁶ Riehl, Volker. *Who is Ruling in South Sudan? The Role of NGOs in Rebuilding Socio-Political Order*. Uppsala: Nordiska Afrikainstitutet, Studies on Emergency and Disaster Relief, Report No. 9, 2001, p. 6.

⁹⁸⁷ Haslie, Anita and Borchgrevink, Axel. *International Engagement in Sudan after the CPA: Report on the piloting of OECD/DAC’s ‘Principles for Good International Engagement in Fragile States’ for the Case of Sudan*. Oslo: Norwegian Institute of International Affairs, Report No. 714, January 2007, p. 24.

⁹⁸⁸ Young, John, “Le SPLM/SPLA et le gouvernement du Sud-Soudan”, *Politique Africaine*, No. 88, December 2002, pp. 103-119, p. 113.

⁹⁸⁹ Local NGOs meanwhile were typically chaired by former SPLA members and the SPLM/A made sure that their organizations of choice were picked as collaborators for foreign organizations and donors. Reno, William, “Complex Operations in Weak and Failing States: The Sudan Rebel Perspective”, *Prism*, Vol. 1, No. 2, March 2010, pp. 111-122, p. 117.

⁹⁹⁰ Chol, Timothy Tot. *Civil Authority in the New Sudan: Organization, Functions and Problems*. Presentation at the Conference on Civil Society & the Organization of Civil Authority in the New Sudan, April 1996. For a very detailed account of the Chukudum Convention, its preparation and afterlife, see Rolandsen, Øystein H.

personalized style of leadership and aversion to delegate authority⁹⁹¹. Whereas some credit the SPLM's ability to control a large rural population to its introduction of civil administration and concomitant course reversal from a reliance on external support and expropriation of civilians⁹⁹², LeRiche and Arnold rightly state that "[d]espite its revolutionary zeal and ostensibly progressive form, the SPLA/M has never emphasised civil administration or even basic development, preferring to view itself as a national movement for reform rather than a nascent Southern government"⁹⁹³. And as Blunt observed in 2003, appointments to positions in the civilian administration were not based on merit but on military rank and reputation⁹⁹⁴.

The SPLM's lack of institutionalization during the war against Khartoum and other militias can be considered understandable because administrative concerns had to play second fiddle to the overall objective of fighting and winning militarily⁹⁹⁵. This prioritization of military concerns over the interests of the population the SPLM/A claimed to be fighting for is illustrated by the organization's conduct during the 1998 famine when the SPLM/A was accused of diverting food aid from civilians to soldiers⁹⁹⁶. Such criticism notwithstanding, the SPLM/A was generally successful in getting transnational NGOs to support its attempts at establishing administrative capacity while restricting the SPLM/A's own (low-cost) role to managing the service provision by other actors⁹⁹⁷. Operation Lifeline Sudan, for example, that provided relief during much of the war was in part a response to appeals made by the SPLM/A since 1985⁹⁹⁸. The situation in the garrison towns and surrounding areas that were held by the Khartoum government largely mirrored the SPLM's reliance on international NGOs, save for a few years in the mid-1990s when Islamic organizations sponsored by the NIF-government sought to combine care with proselytization⁹⁹⁹.

Since 2005

Thence, the question is to what extent matters have changed and evolved since autonomous rule in the South begun in 2005. Since 2005, the International Organization for Migration has tracked more than 2.5 million returnees to South Sudan¹⁰⁰⁰, and 50.6% of the population was found to live beneath

Guerrilla government: political changes in the Southern Sudan during the 1990s. Uppsala: Nordiska Afrikainstitutet, 2005.

⁹⁹¹ Young, John (2002), p. 112, 110.

⁹⁹² Ali, Ali Abdel Gadir; Elbadawi, Ibrahim A. and El-Batahani, Atta, "Sudan's Civil War. Why has it prevailed for so long?", in Collier, Paul and Sambanis, Nicholas (eds.) *Understanding Civil War: Evidence and Analysis (Volume 1: Africa)*. Washington: The World Bank, 2005, pp. 193-219, p. 203.

⁹⁹³ LeRiche, Matthew and Arnold, Matthew B. *South Sudan: From Revolution to Independence*. London: Hurst, 2012, p. 219.

⁹⁹⁴ Blunt, Peter, "Governance conditions, roles and capacity-building needs in the rebel-held areas of Southern Sudan", *Public Administration and Development*, Vol. 23, No. 2, 2003, pp. 125-139, p. 133.

⁹⁹⁵ Ambrosetti (2011), p. 15.

⁹⁹⁶ Harragin, Simon, "Relief and an Understanding of Local Knowledge: The Case of Southern Sudan", in Rao, Vijayendra and Walton, Michael (eds.) *Culture and Public Action*. Stanford: Stanford University Press, 2004, pp. 307-327, p. 315.

⁹⁹⁷ Mampilly, Zachariah Cherian. *Rebel Rulers: Insurgent Governance and Civilian Life during War*. Ithaca, NY: Cornell University Press, 2011, pp. 131-132.

⁹⁹⁸ Minear, Larry and Abuom, Tabyiegen Agnes. *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan*. Trenton, NJ: Red Sea Press, 1991, p. 136.

⁹⁹⁹ Kevlihan, Robert. *Aid, Insurgencies and Conflict Transformation: When Greed is Good*. Milton Park and New York: Routledge, 2013, pp. 60-61.

¹⁰⁰⁰ International Organization for Migration. *IOM Border Management Newsletter: South Sudan*. March 2012, p. 3.

the national poverty line – a step up from the 90% of the population thought to have lived on less than a dollar a day in 2004¹⁰⁰¹. After decades of war, the South's infrastructure is decrepit and a massive obstacle for the government to reach its citizens¹⁰⁰². The average speed at which cargo traverses South Sudan was calculated at 6.4 km per hour or roughly equivalent to a horse-drawn cart¹⁰⁰³. Unknown numbers of landmines continue to maim citizens and disrupt access to many areas, in particular in the North of the country near the border with Sudan¹⁰⁰⁴. In October 2013, UNMAS (United Nations Mine Action Service) reported that there remained 642 hazardous areas of varying sizes¹⁰⁰⁵.

One of the South Sudanese state's problems is that it is hardly present outside of the capital Juba and the ten state capitals, with a significant disconnect developing between farmers in rural areas and the government¹⁰⁰⁶. According to the 2008 census, 83% of South Sudanese still live in rural areas¹⁰⁰⁷. Getting from place to place is a major issue, in particular during the rainy season, as there are very few all-weather roads (and only 50km of tarmac roads¹⁰⁰⁸) apart from the lone American-built highway connecting Juba to Nimule on the Ugandan border. Some progress has been made in building roads into rural areas but grave local discrepancies remain: decent all-weather roads can be found in Northern Bahr al Ghazal compared to hardly any in Jonglei¹⁰⁰⁹. "At the local level, the government often consists of little more than a handful of overstretched employees, working out of thatched-roofed buildings with no power, vehicles, communication, or regular salaries"¹⁰¹⁰. That physical presence matters a lot is shown by a study that describes how the visible presence of the state via administrative buildings was received very positively by residents whereas South Sudanese from areas where such buildings were nonexistent strongly criticized their absence¹⁰¹¹. In other words, successful statebuilding also means the building of state buildings.

Skilled, experienced and motivated staff to man the administration also appears to be missing in large enough numbers. The 2005 Joint Assessment Mission that accompanied the CPA negotiations

¹⁰⁰¹ The Republic of Sudan National Population Council. *Sudan Millennium Development Goals Progress Report 2010*. Khartoum, December 2010, p. 14.

¹⁰⁰² Antwi-Boateng and O'Mahony (2008), p. 152. The Joint Assessment Mission also recognized lack of infrastructure as the impediment to citizens' access to services. Joint Assessment Mission (JAM) Sudan. *Volume 1: Framework for Sustained Peace, Development and Poverty Eradication*. March 18, 2005, p. 18.

¹⁰⁰³ Ranganathan, Rupa and Briceño-Garmendia, Cecilia M. *South Sudan's Infrastructure: A Continental Perspective*. Washington, DC: World Bank, 2011, p. 10.

¹⁰⁰⁴ City Press, "South Sudan digs up its buried death", 24 February 2013, <http://www.citypress.co.za/politics/south-sudan-digs-up-its-buried-death/> (accessed: 24 February 2013); McNeish, Hannah, "Relentless Use of Landmines in South Sudan Sparks Fear", *Voice of America*, 21 November 2011, <http://www.voanews.com/content/relentless-use-of-landmines-in-south-sudan-sparks-fear-134349963/159204.html> (accessed: 24 February 2013).

¹⁰⁰⁵ UNMAS South Sudan. *Mine Action Newsletter*. October 2013, <http://unmas.createandsend1.com/t/ViewEmail/i/AFFE896FD4286D10/5BB5F59C34A964350F8C96E86323F7F9> (accessed: 25 March 2014).

¹⁰⁰⁶ OECD (2011), p. 34.

¹⁰⁰⁷ Government of the Republic of South Sudan. *South Sudan Development Plan 2011-2013: Realising freedom, equality, justice, peace and prosperity for all*. Juba, August 2011, p. 13.

¹⁰⁰⁸ Mailer and Poole (2010), p. 17.

¹⁰⁰⁹ Maxwell, Daniel; Gelsdorf, Kirsten and Santschi, Martina. *Livelihoods, basic services and social protection in South Sudan*. London: Secure Livelihoods Research Consortium, Working Paper No. 1, July 2012, p. 21.

¹⁰¹⁰ Mailer and Poole (2010), p. 21.

¹⁰¹¹ Reeves, Richard. *Peace and Conflict Assessment of South Sudan 2012*. London: International Alert, 2012, p. 62.

and set out targets for the development of state capacity and service delivery has been criticized as an unprioritised wish-list that overestimated implementation capacity on the ground¹⁰¹². In its present state, the GoSS is effectively unable to carry out many of what are nominally its government functions without assistance from external sources¹⁰¹³. And that is in spite of the fact that service delivery often remains the domain of NGOs while several key state functions such as accounting, procurement and auditing have been delegated to non-state agencies¹⁰¹⁴.

To the great dismay of the GoSS, NGOs generally operate parallel implementation channels independent of South Sudan's state structures due to the latter's lack of capacity to perform¹⁰¹⁵. Although most of the government's wrath is in truth directed at the United Nations "because the agencies that are contesting governance in South Sudan at a meaningful level are UN organizations and the World Bank, not INGOs"¹⁰¹⁶. But the lack of oversight also works in the opposite direction as far from all development projects run and funded by foreign NGOs are actually useful to the supposed beneficiary, the South Sudanese¹⁰¹⁷. On a more fundamental level, foreign NGOs tend to operate with normative assumptions about the role of the state that are strongly based on the state as it exists in the West¹⁰¹⁸.

Quality and training of government staff is also a major concern. An internal GoSS evaluation of state capacity found that the civil service was not able to do the job it is supposed and expected to¹⁰¹⁹ and a UNDP (United Nations Development Programme) report found that half of all positions in government ministries remain to be filled, 50% of public servants only have elementary education compared to only 5% with a graduate degree and many lack work experience and adequate knowledge of English, the official working language¹⁰²⁰. This appears to be a repeat of the situation after the 1972 Addis Ababa Peace Agreement when there was not enough qualified staff to fill administrative positions in the Southern Regional Government¹⁰²¹. A USAID study corroborates these findings: the high degree of illiteracy among members of the civil service in combination with the lack of a common language of administration severely constrains the administration's capacity to act and deliver¹⁰²². Even the new head of the armed forces, Paul Malong (appointed in 2014), is believed to

¹⁰¹² International Dialogue on Peacebuilding and Statebuilding. *Synthesis Report: Key findings from country consultations in Burundi, Central African Republic, Democratic Republic of Congo, Liberia, Sierra Leone, South Sudan, and Timor-Leste*. Dili, Timor-Leste, 9-10 April 2010, p. 24.

¹⁰¹³ Davies, Fiona. *Contracting out core government functions and services in Southern Sudan*. Discussion Paper, Joint AfDB/PDG Conference on Contracting Out Core Government Functions and Services in Post-Conflict and Fragile Situations, Tunis, June 2009, pp. 18-19.

¹⁰¹⁴ Ibid, p. 6.

¹⁰¹⁵ OECD (2011), p. 33.

¹⁰¹⁶ Grawert, Elke, "The Aid Business in South Sudan after the Comprehensive Peace Agreement", in Bass, Hans-Heinrich; Knedlik, Tobias; Meyn, Mareike and Wiegand-Kottisch, Maren (eds.) *Economic Systems in a Changing World Economy*. Berlin: LIT, 2007, pp. 387-402, p. 398.

¹⁰¹⁷ Marriage, Zoë, "The Comfort of Denial: External Assistance in Southern Sudan", *Development and Change*, Vol. 37, No. 3, 2006, pp. 479-500.

¹⁰¹⁸ Gunnarsen, Liv Inken and Søndergaard, Tine. *NGOs and Fragile States – An analysis on how Danish NGOs have adopted the international agenda on Fragile States and the role they play in South Sudan in relation to this agenda*. Dissertation, International Development Studies, University of Roskilde, Spring 2010.

¹⁰¹⁹ Larson, Greg; Ajak, Peter Biar and Pritchett, Lant. *South Sudan's Capability Trap: Building a State with Disruptive Innovation*. Cambridge: Center for International Development at Harvard University, Working Paper No. 268, October 2013, p. 8.

¹⁰²⁰ Luwangwa, Francis. *State Building in South Sudan: The UNDP Experience*. Juba: UNDP, 2010, p. 7.

¹⁰²¹ Kasfir (1977), p. 155.

¹⁰²² USAID (2009), p. 8.

be unable to read and write¹⁰²³. Moreover, ministries and other government bodies are typically characterized by a division between former SPLA fighters (often in positions of leadership), former members of the administration in Khartoum and younger foreign-educated returnees¹⁰²⁴. Tension arises from the fact that the latter appear to be doing most of the work and with their expertise are seen as a challenge to less educated and less hardworking higher-ups¹⁰²⁵.

One of the underlying factors for the lack of visible progress in governmental services is that given the limited budgetary resources, South Sudan faces a trade-off between development and security¹⁰²⁶. Spending sufficiently on both posts is currently not in the books and the fragile security situation, the SPLM's military culture and the risk of alienating the army all tilt the scales in the army's favour¹⁰²⁷. A game-theoretical study actually went to great lengths to show that in the run-up to the referendum, excessive militarization and brinkmanship were perfectly rational choices for the governments in Juba and Khartoum¹⁰²⁸. Recent events confirm that brewing discontent in the army is not an empty fear but a very dangerous proposition indeed. In 2014, wounded soldiers hurled stones at cars and blocked traffic in Juba to underline their demand that unpaid wages be paid immediately¹⁰²⁹. In this context, a quantitative study of 75 South Sudanese counties for the period from 2006-2010 found a fascinating correlation between the level of state personnel and levels of violence. The lowest levels of violence were found both in those counties with the most and in those without any state manpower, indicating that in those places where the state was only present in small, insufficient numbers, state presence actually led to more violence than where the state had stayed out altogether¹⁰³⁰.

6.2.1.2. Judicial system

As already pointed out above, insecurity in South Sudan is partly driven by a vicious circle of citizens creating insecurity by arming themselves against prevailing insecurity. A similar and closely related dynamic severely impairs the effective working of the judiciary and of the rule of law in the country. When the GoSS officially took over the administration of the South in 2005, rule of law institutions were almost entirely inexistent while the few prisons were in a dilapidated state of disrepair, lacking

¹⁰²³ *Sudan Tribune*, "N. Bahr el Ghazal politicians lobby president over gubernatorial successor", 26 March 2014, <http://www.sudantribune.com/spip.php?article50435> (accessed: 13 June 2014).

¹⁰²⁴ Ding, Shannon and Tosun, Elise. *"Little Pushes" for Agricultural Development in Greater Equatoria, Republic of South Sudan*. Submitted in fulfillment of the requirements of the degree of Master of Public Administration in International Development, John F. Kennedy School of Government, Harvard University, 12 March 2012, pp. 7-8.

¹⁰²⁵ This point was a common refrain among international staff and younger South Sudanese in Juba and also complies with my own anecdotal observations.

¹⁰²⁶ OECD (2011), p. 39.

¹⁰²⁷ Even in the austerity budget for 2012/13, planned spending on the military alone accounted for 28% of the entire budget; in 2011/12, actual spending on the military had amounted to 37.5% of total spending. Republic of South Sudan. *Approved Budget 2012/13*. Juba, 2012.

¹⁰²⁸ Elbadawi, Ibrahim; Milante, Gary and Pischedda, Costantino. *Referendum, Response and Consequences for Sudan: The Game between Juba and Khartoum*. Washington: The World Bank, Policy Research Working Paper No. 4684, July 2008.

¹⁰²⁹ Aleu, Phillip, "Wounded South Sudan Soldiers Demand Unpaid Wages", *Voice of America*, 24 March 2014, <http://www.voanews.com/content/south-sudan-wounded-soldiers-protest-unpaid-wages/1878169.html> (accessed: 25 March 2014).

¹⁰³⁰ De Juan, Alexander and Pierskalla, Jan H., "Manpower to coerce and co-opt – State capacity and political violence in southern Sudan 2006-2010", *Conflict Management and Peace Science*, 2014, pp. 1-25.

trained staff and equipment¹⁰³¹. As Robert Collins quipped in a book published in 2005, no one has governed in South Sudan since the departure of the British because no one has been able to maintain law and order¹⁰³². Khartoum contributed to this sorry state by sacking judges and attempting to Islamize the security services in the South¹⁰³³. Problems of South Sudan's embryonic police and rule of law structures include "lack of capacity, unreliable payrolls, inappropriate or non-existent equipment and infrastructure" as some converted soldiers only receive two weeks of training¹⁰³⁴. While the Interim Constitution is, on paper, a modern progressive document, most laws to specify institutions' rights and obligations have so far not been passed and/or signed¹⁰³⁵. And there are limits to the degree of progressiveness: capital punishment is part of the legal code and people are actually being sentenced to death and executed¹⁰³⁶. Oftentimes, sparse if any evidence suffices for a defendant to be sent to death row¹⁰³⁷ and the executions are carried out in secret as no information about the executed and their crimes is made available to the public¹⁰³⁸.

Impunity is the key judicial problem in contemporary South Sudan where widespread poverty, almost equally widespread gun ownership and the "absence of effective justice systems means that there is little or no deterrent effect"¹⁰³⁹. This can be seen as a legacy of war as Kircher quotes a government official as saying that in the course of the war "the rule of law has been thrown away"¹⁰⁴⁰. Security forces are generally able to act with impunity and are themselves involved in illegal activities¹⁰⁴¹. There is, for instance, no clear legal protection for land titles as SPLA soldiers frequently occupy land that was deserted by its legal tenants during the war¹⁰⁴². The arrest and trial of several SPLA generals for human rights abuses committed in Jonglei in mid-2013 is an extremely rare exception to the rule¹⁰⁴³. Even then, judicial action appeared to be hastened by an international outcry over SPLA violence rather than by the government's concern for its citizens' rights. Much more common is the example of the town of Pibor related by David Deng. In the absence of a statutory court, customary

¹⁰³¹ Osland, Kari M.; Thompson, Graham and Vogt, Andreas. *Joint Donor Security Sector Needs Assessment: An independent assessment of the future involvement of the Joint Donor Team in security sector reform in Southern Sudan*. Oslo: NUPi Report Security in Practice, No. 1, 2007, p. 22, 24.

¹⁰³² Collins (2005), p. 361.

¹⁰³³ Baker, Bruce and Scheye, Eric, "Access to Justice in a Post-conflict State: Donor-supported Multidimensional Peacekeeping in Southern Sudan", *International Peacekeeping*, Vol. 16, No. 2, 2009, pp. 171-185.

¹⁰³⁴ Preston et al. (2008), p. 19.

¹⁰³⁵ O'Grady, Paul and Weichselbaum, Geoffrey. *South Sudan: Prospects for Democracy in the World's Newest State*. Berlin: Democracy Reporting International, April 2011, pp. 7-8.

¹⁰³⁶ Aggrey, Taban Robert, "Man To Be Hanged", *South Sudan Today*, 29 June 2013, <http://www.southsudantoday.net/index.php/opinion/426-man-to-be-hanged> (accessed: 20 August 2013).

¹⁰³⁷ *Death Penalty News*, "Prisoners rot on death row in South Sudan", 1 November 2012, <http://deathpenaltynews.blogspot.de/2012/11/prisoners-rot-on-death-row-in-south.html> (accessed: 2 February 2014).

¹⁰³⁸ *South Sudan News Agency*, "Amid a Shroud of Secrecy, the Government of South Sudan Quietly Executes Four People", 26 November 2013, <http://www.southsudannewsagency.com/opinion/press-releases/south-sudan-quietly-executes-four-people> (accessed: 29 November 2013).

¹⁰³⁹ Agwanda and Harris (2009), p. 47.

¹⁰⁴⁰ Kircher, Ingrid. *Challenges to Security, Livelihoods, and Gender Justice in South Sudan: The situation of Dinka agro-pastoralist communities in Lakes and Warrap States*. Oxford: Oxfam Research Reports, March 2013, p. 12.

¹⁰⁴¹ Ashkenazi et al. (2008), p. 17.

¹⁰⁴² Pantuliano, Sara. *The Land Question: Sudan's peace nemesis*. London: Humanitarian Policy Group, Overseas Development Institute, 2007, p. 5.

¹⁰⁴³ *Reuters*, "South Sudan's Kiir puts generals under investigation for abuses", 25 August 2013, <http://www.reuters.com/article/2013/08/25/us-southsudan-generals-idUSBRE97O07P20130825> (accessed: 2 February 2014).

courts are unable to try SPLA members accused of crimes that as a result go unpunished¹⁰⁴⁴. Furthermore, during the civil war and especially in the aftermath of the Nasir split, all sides made sure to include broad amnesty provisions in subsequent peace deals thus preventing any accountability for past crimes¹⁰⁴⁵. As of 2014, while some first steps were underway, no form of justice and reconciliation, e.g. by truth-telling commissions on the Northern Irish or South African model, has been meted out for crimes committed during the war¹⁰⁴⁶.

Those who are nonetheless sentenced to prison are very unfortunate. Prisons are in a dilapidated state of disrepair, prisoners have to purchase food and health care and beatings and permanent shackling are the norm¹⁰⁴⁷. At the same time, prison breaks are a regular occurrence, often in collusion with guards¹⁰⁴⁸. Trials are very slow, 95% of defendants go through court proceedings without any legal counsel while a third of inmates are held in remand, i.e. awaiting trial or the conclusion of police investigations¹⁰⁴⁹. In what can be considered an exemplary case, the police officers that arrest and detain a suspect also act as de-facto judges, with the punishment often depending more on the whim of the officer in charge than on the severity of the crime¹⁰⁵⁰. Torture also appears to be a commonplace component of the police's toolbox.

The few state judges that exist are overstretched as each judge covers two to three counties¹⁰⁵¹. To give an example, the formal justice system in Jonglei, a state almost the size of England, is manned by "four judges (two High Court and two Magistrates) and eight prosecutors in Bor; two Magistrates and a prosecutor in Akobo; and one Magistrate and a prosecutor in Twic East"¹⁰⁵². Moreover, many of the older judges continue to adjudicate according to the laws of Sudan that they are familiar with instead of the new laws of South Sudan. A conundrum complicated by the fact that many of these judges lack proficiency in English and therefore cannot properly read said laws¹⁰⁵³. The perception that judges lack legal skills and are prone to accept bribes and allow for ethnic favouritism leads many South Sudanese to discard the official judicial process altogether¹⁰⁵⁴ while the pervasive culture of impunity reigning in South Sudan has driven disenfranchised groups to take matters into their own hands¹⁰⁵⁵.

Customary law

In response to this state of affairs, customary law – which is officially recognized by the GoSS as a legitimate source of justice – continues to dominate over statutory law, which is only present in the

¹⁰⁴⁴ Deng, David K. *Challenges of Accountability: An Assessment of Dispute Resolution Processes in Rural South Sudan*. Juba: South Sudan Law Society, March 2013, p. 20.

¹⁰⁴⁵ Human Rights Watch. *Selling Justice Short: Why Accountability Matters for Peace*. July 2009, pp. 69-70.

¹⁰⁴⁶ Tombe, Wani, "Real versus Politicised National Reconciliation in South Sudan (1-2)", *Sudan Vision Daily*, 14 February 2013, <http://news.sudanvisiondaily.com/details.html?rsnpid=219430> (accessed: 15 February 2013).

¹⁰⁴⁷ Human Rights Watch. *'Prison Is Not For Me': Arbitrary Detention in South Sudan*. June 2012, p. 13.

¹⁰⁴⁸ Catholic Radio Network, "Prison warders arrested over escape of inmates", 10 November 2012, <http://catholicradionetwork.org/?q=node/8456> (accessed: 8 February 2014).

¹⁰⁴⁹ Human Rights Watch. *'Prison Is Not For Me'* (2012), p. 10.

¹⁰⁵⁰ Ochan (2007), p. 29.

¹⁰⁵¹ Latigo, James Ojera. *Promoting Community Capacities to Learn Across & Transform Conflicts in Malakal Area - A Grassroots Research & Historical Memory Approach*. Research Report, PACT Sudan, June 2008, p. 45.

¹⁰⁵² UNMISS (2012), p. 30.

¹⁰⁵³ Interview with member of South Sudan Law Society, Juba, 25 October 2013.

¹⁰⁵⁴ Cook (2011), p. 12.

¹⁰⁵⁵ McEvoy and LeBrun (2010), pp. 18-19.

form of formal judges in the major settlements¹⁰⁵⁶. “Throughout the South, but especially in rural areas, jurisdiction on all subjects remains squarely in the hands of local chiefs even where the Ministry has established jurisdictional guidelines”¹⁰⁵⁷. Customary law continued to be applied to Southern Sudan (and much of Northern Sudan) during the British colonial period and throughout much of the independence period until Nimeiry’s and later the NIF regime’s attempts to impose sharia law on the South¹⁰⁵⁸. While the SPLA had its own legal code, Monyluak Alor Kuol, who worked as a judge in SPLA-held areas of Bahr-al Ghazal during the 1980s, only applied customary law, which retained its prominent place after the 1994 Chukudum Convention¹⁰⁵⁹. This is in line with Johnson’s observation that SPLM/A administration prior to 1994 was based on traditional authorities (chiefs) and chiefs’ courts¹⁰⁶⁰.

Since the beginning of the peace process, customary law has been officially recognized in the law of the New Sudan (2003), the Interim Constitution of South Sudan (2005), the Judiciary Act (2008), Local Government Act (2009)¹⁰⁶¹ and the Transitional Constitution of South Sudan (2011). In a national survey, 42% of respondents saw the primary responsibility for solving local disputes with traditional leaders (10% national government, 10% state government, 26% local government)¹⁰⁶². In another survey from Eastern Equatoria, 90% of respondents cited traditional leaders as primary security providers compared to 27% for the police and 6% for the SPLA¹⁰⁶³. Research from Aweil also found that chiefs continued to act as judges in courts of customary law¹⁰⁶⁴ while the traditional leaders’ meeting in Bentiu in May 2009 called on kings and chiefs to revive traditional conflict resolution mechanisms, e.g. in allocation of land to pastoralists and sedentary farmers¹⁰⁶⁵. Apart from being more accessible – travelling to the closest statutory court can be costly and time-consuming – customary courts generally take less time to conclude a case than statutory courts¹⁰⁶⁶. But in practice, the coexistence of several legal codes and legal systems also contributes to confusion and

¹⁰⁵⁶ Garms, Ulrich, “Promoting Human Rights in the Administration of Justice in Southern Sudan. Mandate and Accountability Dilemmas in the Field Work of a DPKO Human Rights Officer”, *International Organizations Law Review*, Vol. 6, No. 2, 2009, pp. 581-600, p. 584.

¹⁰⁵⁷ Mennen, Tiernan, “Lessons from Yambio: Legal Pluralism and Customary Justice Reform in Southern Sudan”, *Hague Journal on the Rule of Law*, Vol. 2, No. 2, 2010, pp. 218-252, p. 219.

¹⁰⁵⁸ Deng, Francis M., “Customary Law in the Cross Fire of Sudan’s War of Identities”, in Isser, Deborah (ed.) *Customary Justice and the Rule of Law in War-Torn Societies*. Washington: United States Institute of Peace, 2011, pp. 285-323, pp. 304-7.

¹⁰⁵⁹ Kuol, Monyluak Alor. *Administration of Justice in the (SPLA/M) Liberated Areas: court cases in war-torn Southern Sudan*. Oxford: Refugee Studies Programme, 1997, p. 12, 15.

¹⁰⁶⁰ Johnson, Douglas H., “The Sudan People’s Liberation Army and the problem of factionalism”, in Clapham, Christopher (ed.) *African Guerrillas*. Oxford: James Currey, 1998, pp. 53-72, pp. 66-67.

¹⁰⁶¹ The Local Government Act 2009 ranks “Customs and Traditions of the people of the respective Local Government territory within the State” as one of four sources of law in South Sudan. Application of customary law is, however, restricted to customary disputes – though these are not specified – while it should not be used to adjudicate criminal cases unless a statutory court has referred such cases to the customary court.

¹⁰⁶² International Republican Institute (2011), p. 26.

¹⁰⁶³ Mosel, Irina and Murray, Ryan. *Symptoms and causes: Insecurity and underdevelopment in Eastern Equatoria*. Geneva: Small Arms Survey, Sudan Issue Brief, No. 16, April 2010, p. 1.

¹⁰⁶⁴ Santschi, Martina, “Between Community and Government: Traditional Authorities in post-conflict Southern Sudan”, *Tsantsa*, No. 15, 2010, pp. 108-111, p. 109.

¹⁰⁶⁵ Hinz, Manfred O., “A New Sudan: Precondition of peace at the Horn of Africa?”, *Namibia Law Journal*, Vol. 2, No. 2, July 2010, pp. 135-145, p. 143.

¹⁰⁶⁶ Deng, David K. *Challenges of Accountability* (2013), p. 25.

conflict¹⁰⁶⁷. For, in addition to the differences between customary and statutory law, there is a wide range of different systems of customary law; centralized legal systems as can be found among the Shilluk, Zande¹⁰⁶⁸ and Anuak are juxtaposed to highly decentralized systems among Dinka, Nuer¹⁰⁶⁹, Bari and Fertit¹⁰⁷⁰.

Moreover, customary law rather than being the embodiment of century-old traditions to some extent constitutes an invented tradition in Hobsbawm's sense (see Ch. 2.2). The interplay between British colonial administrators and village elders and chiefs produced a legal framework that strengthened the standing of traditional authorities of patriarchy and seniority¹⁰⁷¹. Thus, much of customary law goes counter to international human rights standards, especially as regards the rights of women¹⁰⁷². Customary law, for instance, allows for forced and arranged marriages and bride inheritance and "therefore perpetuates unjust gender relations that serve the social, psychological and economic interests of men, by bringing women into a position of subordination and inequality in the family and the community"¹⁰⁷³.

This especially affects the many women-headed households (especially among refugees), which have an inferior status in customary law, for example when it comes to inheriting property¹⁰⁷⁴. Public attitudes toward the punishment of gender-based violence are also an impediment to human rights standards. In a survey of more than 600 men and women "82% of women and 81% of men agreed with the statement 'a woman should tolerate violence in order to keep her family together'"¹⁰⁷⁵. In turn, some level of physical violence by men against their wives was generally accepted and went unpunished in customary courts, just as corporal punishment for both sexes is a common feature of customary trials¹⁰⁷⁶.

¹⁰⁶⁷ Hoehne, Markus. *Traditional Authorities and Local Government in Southern Sudan*. Consultancy Report, November 2008, p. 13.

¹⁰⁶⁸ Evans-Pritchard, Edward Evan, "The Zande State", *The Journal of the Royal Anthropological Institute of Great Britain and Ireland*, Vol. 93, No. 1, Jan. - Jun. 1963, pp. 134-154.

¹⁰⁶⁹ Duany, Wal. *Neither Palaces Nor Prisons: Constitutions of Order Among the Nuer*. Ph.D. dissertation, Indiana University, June 1992.

¹⁰⁷⁰ Jok, Aleu Akechak; Leitch, Robert A. and Vandewint, Carrie. *A Study of Customary Law in Contemporary Southern Sudan*. Report for World Vision International and The South Sudan Secretariat of Legal and Constitutional Affairs, March 2004, p. 13.

¹⁰⁷¹ Leonardi, Cherry; Moro, Leben Nelson; Santschi, Martina and Isser, Deborah H. *Local Justice in Southern Sudan*. Washington: United States Institute of Peace & Rift Valley Institute, Peaceworks No. 66, 2010, pp. 17-18.

¹⁰⁷² Garms (2009), p. 586. This goes in line with survey results in which 62% of respondents stated that women in South Sudan have less rights than men. International Republican Institute (2011), p. 54.

¹⁰⁷³ Aldehaib, Amel. *Sudan's Comprehensive Peace Agreement viewed through the eyes of the Women of South Sudan*. Wynberg, South Africa: Institute for Justice and Reconciliation, Occasional Paper No. 3, 2010, p. 6.

¹⁰⁷⁴ Phelan, Jake and Wood, Graham. *Report on the current and potential impact of displaced people returning to southern Sudan*. Surrey, UK: Ockenden International, January 2006, p. 31.

¹⁰⁷⁵ Scott, Jennifer; Averbach, Sarah; Modest, Anna Merport; Hacker, Michele R.; Cornish, Sarah; Spencer, Danielle; Murphy, Maureen and Parmar, Parveen, "An assessment of gender inequitable norms and gender-based violence in South Sudan: a community-based participatory research approach", *Conflict and Health*, Vol. 7, No. 4, 2013, pp. 1-11, p. 5.

¹⁰⁷⁶ Mennen, Tiernan. *Adapting restorative justice principles to reform customary courts in dealing with gender-based violence in Southern Sudan*. San Francisco: UNFPA & DPK Consulting, Final Report, May 2008, pp. 9-10.

Customary law also does not know the neat separation between civil and criminal law and for most transgressions operates on the basis of material compensation as penalty¹⁰⁷⁷. Empirical research in South Sudan, however, observed a much higher prevalence of punitive measures than normative theoretical accounts of customary law would lead to believe¹⁰⁷⁸. Additionally, the separation of customary law and statutory law is rarely upheld in legal practice where the lack of educated judges means that most of the time an amalgamation of both legal traditions, customary and statutory, is applied to any given case¹⁰⁷⁹. But this state of legal pluralism also provides openings and opportunities for litigants that can decide to take their case to the institution most likely to adjudicate in their favour¹⁰⁸⁰: if somebody disagrees with a customary court's verdict he or she can, in theory, turn to a statutory court and vice versa.

Clear evidence of the intermixed nature of South Sudan's legal system is the (allegedly not infrequent) case of General Malual Kuat who systematically arrested and tortured innocent people, typically relatives or chiefs, in a form of collective punishment designed to convince wanted suspects to turn themselves in to the authorities¹⁰⁸¹. There is a faint echo of British 'pacification' strategies in the early part of their reign when they regularly resorted to punitive missions that had the express purpose of killing locals to deter any further unrest¹⁰⁸². Finally, chiefs' authority varies substantially from one community to the next and whereas some chiefs are actually themselves involved in criminal activity, others are reluctant to pursue and hand over criminals to the authorities for fear of reprisals¹⁰⁸³. And for all the praise that traditional negotiating mechanisms receive, they are admittedly strained by the sheer number and intensity of contemporary conflicts¹⁰⁸⁴.

6.2.1.3. Education

As mentioned above, South Sudan's government prioritizes spending on security and invests very little, even by regional standards, into health, education and agriculture; sectors that are, in development-speak, pro-poor¹⁰⁸⁵. This also has tradition in Southern Sudan. During British colonial rule, education and educational policy differed substantially between the North and South of the country. Since the 1920s, the overriding objective of British 'Southern Policy' was to deny Islamizing and Arabizing influences in the South. Hence, the only affordable providers of education were missionary schools, which mostly only provided elementary education and whose quality of education was low even compared to missionary establishments elsewhere in Africa¹⁰⁸⁶. Mission

¹⁰⁷⁷ Fadlalla, Mohamed. *Customary Law in Southern Sudan: Customary Laws of Dinka and Nuer*. Bloomington, IN: iUniverse, 2009, p. 24.

¹⁰⁷⁸ Leonardi, Cherry; Isser, Deborah H.; Moro, Leben and Santschi, Martina, "The Politics of Customary Law Ascertainment in South Sudan", *Journal of Legal Pluralism*, No. 63, 2011, pp. 111-142.

¹⁰⁷⁹ Leonardi et al. (2010), p. 18.

¹⁰⁸⁰ Leonardi, Cherry, "La justicia local y el poder de la oficialidad en el Sudán Meridional", *Revista CIDOB Afers Internacionals*, Vol. 87, 2009, pp. 65-93, p. 67.

¹⁰⁸¹ Deal, Jeffrey, "Torture by 'Cieng': Ethical Theory Meets Social Practice among the Dinka Agaar of South Sudan", *American Anthropologist*, Vol. 112, No. 4, 2010, pp. 563-575, p. 568.

¹⁰⁸² Burton, John W., "Christians, Colonists, and Conversion: a View from the Nilotic Sudan", *The Journal of Modern African Studies*, Vol. 23, No. 2, June 1985, pp. 349-369, pp. 359-60.

¹⁰⁸³ Mosel and Murray (2010), p. 8.

¹⁰⁸⁴ Concordis International (2010), p. 11.

¹⁰⁸⁵ Okwaroh, Kenneth. *South Sudan – Resources for poverty eradication: A background paper*. Nairobi: Development Initiatives – Africa Hub, November 2012, p. 15.

¹⁰⁸⁶ Beasley, Ina. *Before the Wind Changed: People, Places and Education in the Sudan*. Oxford: Oxford University Press, 1992, p. 296.

schools were met with indifference by the large majority of Southern Sudanese¹⁰⁸⁷, only in Equatoria there was a somewhat higher uptake of the sparse educational opportunities available¹⁰⁸⁸. As a result at independence the South only had very few educated leaders to negotiate with and challenge their Northern counterparts¹⁰⁸⁹. In independent Sudan, schools were nationalized in 1957 and education in Arabic made obligatory¹⁰⁹⁰. As a result, educational levels dropped off dramatically while knowledge of Arabic in the South remained poor and minoritarian¹⁰⁹¹. In response, the Anyanya during the first civil war continued to run schools according to the old system (starting with vernacular languages, and then switching to English). While the SPLA was fighting against successive Khartoum governments, education was largely neglected and outsourced to NGOs¹⁰⁹². Effectively, however, communities were highly vulnerable, teachers were not paid and sometimes abducted (along with their students) into the army or SPLA while ill-coordinated donors focused mostly on supplying food¹⁰⁹³. As a result, only 30% of children in SPLM-controlled areas attended school¹⁰⁹⁴. Thus, at the time of the CPA, Marc Sommers concluded that “[i]t is hardly an overstatement to say that Southern Sudanese are one of the most grossly undereducated populations in the world”¹⁰⁹⁵.

Today, education remains one of the most pressing concerns for South Sudanese when going by survey responses. In Eastern Equatoria, education and health care were listed as the biggest needs along with sufficient food and water¹⁰⁹⁶ and throughout the country affordable education was an issue very much on people’s minds¹⁰⁹⁷. This assessment is shared by South Sudanese elites from government, private sector and media that clearly chose education as the country’s most urgent development priority¹⁰⁹⁸. Public schools suffer from lack of facilities, under-paid teachers and low quality¹⁰⁹⁹. In contrast to the war, education is today predominantly provided by the GoSS and states

¹⁰⁸⁷ Collins (1983), p. 199.

¹⁰⁸⁸ Johnson, Douglas H. *The Root Causes* (2011), p. 15.

¹⁰⁸⁹ Sanderson, Lilian P. and Sanderson, Neville. *Education, religion and politics in Southern Sudan 1899-1964*. London: Ithaca Press, 1981. Education played and continues to play a key part in shaping the political and societal elite in the country. John Garang held a PhD in agricultural development and throughout South Sudan’s history of resistance to the North, the small group of educated men (only few women) constituted the South’s political leadership. The educated men doubled as ‘big men’. In the years preceding the CPA, John Garang actually instituted a ‘Committee of Intellectuals’ to come up with workable technocratic solutions for the many needs a post-war South Sudan would face. Interview with the director of a research institute, Juba, 24 October 2013.

¹⁰⁹⁰ Nyombe, B.G.V., “Survival or extinction: the fate of the local languages of the Southern Sudan”, *International Journal of the Sociology of Language*, Vol. 125, No. 1, 1997, pp. 99-130, p. 112.

¹⁰⁹¹ Ibid, p. 114.

¹⁰⁹² Blunt (2003), p. 130.

¹⁰⁹³ Sommers, Marc. *Islands of education: Schooling, civil war and the Southern Sudanese (1983-2004)*. Paris: International Institute for Educational Planning, UNESCO, 2005, pp. 253-260.

¹⁰⁹⁴ Aruai, Israel Chol. *A high risk of not achieving the set EFA goals: a critical examination of education challenges, policies and strategies in the SPLM administered areas*. Paper commissioned for the *EFA Global Monitoring Report 2003/4, The Leap to Equality*, UNESCO, 2003, p. 6.

¹⁰⁹⁵ Sommers (2005), p. 252.

¹⁰⁹⁶ Mosel and Murray (2010), p. 1.

¹⁰⁹⁷ Cook and Moro (2012), p. 12.

¹⁰⁹⁸ World Bank. *South Sudan: The World Bank Country Survey FY 2013*. Washington D.C.: Report of Findings, March 2013, p. 11.

¹⁰⁹⁹ Actually, John, “South Sudan’s education sector in tatters as independence nears”, *South Sudan People’s Voice*, May 2011, http://www.media-diversity.org/en/index.php?option=com_content&view=article&id=1862:south-sudans-education-sector-in-tatters-as-independence-nears&catid=145:peoples-voice-may-articles&Itemid=216 (accessed: 12 September 2011).

that pay teachers' salaries¹¹⁰⁰. On the local level, however, the lack of funds has meant that education, health services and access to clean water continue to be provided by international NGOs and churches instead of county, *payam* or *boma*¹¹⁰¹. Churches also play a key part in teacher training, in particular the Episcopal Church of South Sudan¹¹⁰². Thus, a concise summary of education in South Sudan is that "[p]rimary education is basically ensured by trained and untrained teachers paid by the government; all the other operational expenditures such as schoolbooks and capital investments are funded by development partners and implemented by non-state actors"¹¹⁰³.

The official education statistics for 2010, the most recent available, tell a mixed story. School attendance has increased nationwide (with strong regional variations) and several times as many schools and teachers operate in the country compared to the pre-CPA era. On the other hand, still only one out of ten from each age group completes primary school¹¹⁰⁴. There are manifold barriers to schooling: sending children to school is expensive and incurs additional opportunity costs as children are expected to contribute to household chores and cattle herding¹¹⁰⁵. Cultural barriers disproportionately affect girls who are deemed a family resource that can be 'cashed in' in exchange for bride wealth¹¹⁰⁶. Girls' are indeed severely underrepresented in schools; while 37% of primary school students are girls, that number falls to 29% in secondary schools and only 18% at university¹¹⁰⁷. Literacy also shows a clear gender discrepancy: while overall only 27% of South Sudanese are literate, the figure for women is only 16% (men: 40%)¹¹⁰⁸. Overall literacy levels drop significantly among rural populations where only 22% can read and write whereas 53% of urban dwellers possess these skills¹¹⁰⁹. An extreme example is Yirol West County in Lakes State where 97% of respondents in a local survey turned out to be illiterate¹¹¹⁰.

While substantial strides have been made in terms of supplying broader sections of society with elementary education¹¹¹¹, South Sudan's schools still lag far behind regional standards, which can be observed in the significant number of well-off South Sudanese that send their children to schools abroad, e.g. to Uganda or Kenya¹¹¹². The World Bank found that in South Sudan already today,

¹¹⁰⁰ Davies (2009), p. 7.

¹¹⁰¹ Santschi (2010).

¹¹⁰² Brown, Gordon. *Education in South Sudan: Investing in a better future*. London: The Office of Gordon and Sarah Brown, 2012, p. 13.

¹¹⁰³ USAID (2009), p. 35.

¹¹⁰⁴ Government of Southern Sudan. *Education Statistics for Southern Sudan 2010*. Juba: Ministry of Education, 22 February 2011, p. 61.

¹¹⁰⁵ Government of Southern Sudan and UNICEF. *Socio-economic and cultural barriers to schooling in Southern Sudan*. Juba, November 2008, pp. 30-32.

¹¹⁰⁶ Ibid, p. 33.

¹¹⁰⁷ Government of Southern Sudan. *Education Statistics* (2011), p. 39, 62, 93.

¹¹⁰⁸ South Sudan National Bureau of Statistics. *National Baseline Household Survey 2009 Report*. January 2012, p. 25.

¹¹⁰⁹ Ibid.

¹¹¹⁰ Gach, Chieng Gatkuoth. *A report on socio-economic survey for Geng Geng & Abang payams, Yirol West County*. Norwegian People's Aid, Coremap Project, Sep.-Dec. 2010, p. 10.

¹¹¹¹ Net enrolment in South Sudanese primary schools rose from 15.8% in 2006 to 48% in 2008. The Republic of Sudan National Population Council (2010), p. 24.

¹¹¹² Atari, Dominic Odwa; Abdelnour, Samer; McKague, Kevin and Wager, Roger. *Technical, Vocational and Entrepreneurial Capacities in Southern Sudan: Assessment and Opportunities*. York: University Centre for Refugees Studies and Plan International Inc., 2010, p. 47.

poverty strongly correlates with level of education¹¹¹³. As education is thus at risk of becoming an entrenched factor of class division, other cleavages like culture also play a role. Respondents in Jonglei said that “that many pastoralists have little interest in schooling or alternative livelihood as this hardly provides in a culture where everything revolves around cattle”¹¹¹⁴. Education and educational standards are also a divisive issue because most returnees both from the North and from abroad have higher levels of formal education than those South Sudanese that stayed behind during the war¹¹¹⁵. Nonetheless, government jobs tend to go to applicants with a military background as those that ‘did not hold a gun’ or did not spend time in the bush are often deemed unworthy¹¹¹⁶. Thus, unemployment also affects most elite youths with secondary and university education that flock to Juba in search of an elusive government post¹¹¹⁷.

The decision to switch to English as language of instruction – the government announced the phasing out of Arabic in secondary education by 2014¹¹¹⁸ – is also problematic for many students and older graduates that have begun or completed their studies in Arabic and are now faced with the added obstacle of learning an entirely new language. As a consequence, protests erupted at the University of Juba and the University of Bahr el Ghazal where students resisted being lectured in English¹¹¹⁹, with Juba University eventually relenting and allowing some leeway in the use of Arabic¹¹²⁰. Conversely, the arrival of English-language textbooks in Western Equatoria’s primary schools was hailed as a breakthrough since many students had not been able to read the old Arabic textbooks¹¹²¹.

6.2.1.4. Health care

Many of the things said about education equally apply to the provision of health care only that this field, from funding to structures to delivery, is still more firmly in the hands of international donors¹¹²². The overall picture of the health sector in South Sudan looks dire. Since 2005 there have been some improvements in access to drinking water, child mortality has been reduced and polio eradicated. These moderate successes notwithstanding, South Sudan remains among other things the most hazardous country in the world for a woman to give birth in: 30% of women give birth unattended, only 10% deliver with skilled assistance, in some states only one in two pregnancies

¹¹¹³ Demombyne, Gabriel and Romeo, Alessandro. *A Poverty Profile for the Southern States of Sudan*. World Bank, Poverty Reduction and Economic Management Unit, Africa Region, March 2011, pp. 3-4.

¹¹¹⁴ Willems and Rouw (2011), p. 13.

¹¹¹⁵ Phelan and Wood (2006), p. 36.

¹¹¹⁶ Interview with two South Sudanese returnees with university degrees (from Canada and Australia), Juba, 19 October 2013.

¹¹¹⁷ Sommers and Schwartz (2011), p. 11.

¹¹¹⁸ *Upper Nile Times*, “The Government of Southern Sudan has outlined a strategic plan to eliminate Arabic in Secondary Schools by 2014”, 9 September 2011, <http://upperniletimes.net/details/239> (accessed: 18 February 2012).

¹¹¹⁹ Maker, Abraham Daljang, “Arabic or English? South Sudan's linguistic dilemma”, *The Niles*, 8 February 2013, <http://www.theniles.org/articles/?id=1680> (accessed: 13 February 2013).

¹¹²⁰ *Radio Miraya*, “University agrees to use Arabic”, n.d., <http://www.radiomiraya.org/news-202/south-sudan/7971-university-of-juba-agree-to-use-arabic-as-medium-of-instruction.html#gsc.tab=0> (accessed: 30 May 2013).

¹¹²¹ Friday, Gift, “S. Sudan Switches from Arabic Textbooks to English”, *Voice of America*, 6 June 2013, <http://www.voanews.com/content/south-sudan-education-textbooks/1676975.html> (accessed: 7 June 2013).

¹¹²² The World Health Organization estimated that humanitarian agencies provide 80% of services in the health sector. World Health Organization. *Health response to the conflict in South Sudan*. 6 January 2014, p. 1.

leads to a live birth and maternal mortality is the highest in the world¹¹²³. Malaria is more deadly than any war, responsible for 40% of all deaths in the country¹¹²⁴. Health infrastructure is very poor, with access a major obstacle¹¹²⁵; qualified staff is sorely lacking while half of all health workers are on the payroll of NGOs that offer higher salaries¹¹²⁶. The few existing state-run hospitals which are typically located in the state capitals are unable to cope with demand and there are recurring reports that patients are forced to pay for services that ought to be free of charge¹¹²⁷. Members of the health administration are said to lack the skills to do their job, for instance struggling to draw up reasonably plausible budget proposals and funding requests¹¹²⁸. Access to health care is particularly difficult in those areas close to the border with Sudan while the country as a whole is home to only 120 doctors and 100 medical nurses¹¹²⁹. Those health facilities that do exist are reported to lack sufficient amounts of even the most essential medicines¹¹³⁰.

On the part of the state, the extremely low level of capacity in the Ministry of Health resulted in the World Health Organisation and the World Bank taking the lead in the initial post-2005 period of setting up a health care infrastructure and institutions¹¹³¹. At the time of independence, more than 130 humanitarian organizations were active in the health sector¹¹³² and in 2010 it was still the case that “NGOs deliver up to 85 per cent of primary health-care services in Southern Sudan and pay the salaries of three quarters of the health staff”¹¹³³. The South Sudanese government, for its part, spends very little on health¹¹³⁴, yet is eager to take over responsibilities from donors, which occasionally leads to clashes between the two sides¹¹³⁵. What Simon Allison says of the relationship

¹¹²³ Ministry of Health, Government of Southern Sudan (MOH-GOSS) and the Southern Sudan Commission for Census, Statistics and Evaluation (SSCCSE). *Southern Sudan Household Health Survey 2010*. Juba, 2011, pp. 138-9, 156, 162.

¹¹²⁴ Gurtong, “Senior S. Sudanese Health Officers Conclude The Nairobi Malaria Conference”, 12 April 2014, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/15157/Default.aspx> (accessed: 15 April 2014).

¹¹²⁵ To give some anecdotal documentation of the difficulty to physically access areas in South Sudan, UN OCHA reported at the end of July 2013 that most roads in Jonglei where a major humanitarian operation was underway, had become impassable due to rain. Humanitarian Bulletin South Sudan 22 to 28 July 2013, available at:

<http://reliefweb.int/sites/reliefweb.int/files/resources/Humanitarian%20Bulletin%20South%20Sudan%2022%20to%2028%20July.pdf> (accessed: 4 February 2014).

¹¹²⁶ Downie, Richard. *The State of Public Health in South Sudan: Critical Condition*. Washington: Center for Strategic & International Studies Global Health Policy Center, November 2012, pp. 6-7.

¹¹²⁷ Maker, Abraham Daljang, “Hospital corruption hurts South Sudan’s shaky health services”, *The Niles*, 16 September 2013, <http://www.theniles.org/articles/?id=2043> (accessed: 19 September 2013).

¹¹²⁸ Conversation with three international health workers, Juba, 10 October 2013.

¹¹²⁹ ICRC, “South Sudan: desperate struggle for health care in world’s newest nation”, 6 July 2012, <http://www.icrc.org/eng/resources/documents/news-release/2012/south-sudan-news-2012-07-06.htm> (accessed: 22 February 2013).

¹¹³⁰ *Sudan Tribune*, “South Sudan health facilities lack essential medical supplies: report”, 26 February 2013, <http://www.sudantribune.com/spip.php?article45663> (accessed: 11 March 2013).

¹¹³¹ Cometto, Giorgio; Fritsche, Gyuri and Sondorp, Egbert, “Health sector recovery in early post-conflict environments: experience from southern Sudan”, *Disasters*, Vol. 34, No. 4, 2010, pp. 885-909.

¹¹³² ICRC, “South Sudan: the humanitarian challenges of a new State”, 29 August 2011, <http://www.icrc.org/eng/resources/documents/interview/2011/south-sudan-interview-2011-08-29.htm> (accessed: 22 February 2013).

¹¹³³ Internal Displacement Monitoring Centre (IDMC). *Rising inter-tribal violence in the south and renewed clashes in Darfur cause new waves of displacement*. 27 May 2010, p. 69.

¹¹³⁴ In 2009 and 2010, for example, only 4% of the budget were put aside for health care. Even then, only 55% and 64% respectively of the budgeted amount was actually spent on health care. Fox, Sarah and Manu, Alex. *Health Care Financing in South Sudan*. Oxford Policy Management, January 2012, p. 3.

¹¹³⁵ Downie (2012), p. 7, 9.

between Kiir and UNMISS does in fact hold for the wider relationship between international donors and aid agencies and the Government of South Sudan:

Should South Sudan's government be providing these services instead? Absolutely. Can it? No. That's where Kiir gets it wrong. Instead of criticising, he should be praising an institution which has relieved him of several of the burdens of governance; that has, in fact, masked the inadequacy of his own rule.¹¹³⁶

For the most part, NGOs do not trust the government's capacity to oversee delivery and hence – in contravention to the tenets of their coordinating mechanism, the Multi-donor Trust Fund for South Sudan which prizes government and stakeholder ownership¹¹³⁷ – operate independently from the state structure¹¹³⁸. As it is therefore up to the suppliers of health care, the NGOs, to decide where to set up health centres, there are grave local discrepancies in the availability of health care¹¹³⁹. Operating costs in South Sudan are phenomenally high, so a large portion of donor funds get eaten up at that level¹¹⁴⁰ and in the unstable environment of South Sudan "[r]ather than being mandate-driven, many organisations are becoming more insurance-driven and donor-driven"¹¹⁴¹. Although health NGOs in South Sudan in the initial period after the peace treaty in 2005 faced "key tradeoffs: saving lives versus building capacity"¹¹⁴², NGOs are overall focused more on relief than on development, which makes their efforts both expensive and unsustainable¹¹⁴³. To some extent, privately operated foreign clinics – in particular Chinese – have begun to fill the gaps in the health sector though problems remain in terms of quality and mutual comprehension¹¹⁴⁴.

Appeals to their sense of patriotism may certainly convince some skilled South Sudanese doctors and teachers to work and live in Spartan conditions with meagre pay (less than 100 USD a month). Countering the brain drain and filling the capacity gap in services is, however, likely to require some financial incentives. Hence, in order to accomplish the herculean task of building a modern state virtually from scratch, the South Sudanese state will for the foreseeable future need to lean on international assistance – both in terms of finance and know-how. On the part of NGOs and donors, the idea of the dependency syndrome appears to be present in the minds of administrators and

¹¹³⁶ Allison, Simon, "Analysis: South Sudan's president can moan, but the UN will keep picking up his slack", *Daily Maverick*, 23 January 2014, <http://www.dailymaverick.co.za/article/2014-01-23-analysis-south-sudans-president-can-moan-but-the-un-will-keep-picking-up-his-slack/#.Uw9E1ON5Od4> (accessed: 10 February 2014).

¹¹³⁷ Multi-Donor Trust Fund for South Sudan. *Paving the Way for a Secure Future. 2012 Annual Report*.

Available at: http://www-wds.worldbank.org/external/default/WDSPContentServer/WDSP/IB/2013/06/20/000442464_20130620140007/Rendered/PDF/786500AR0p11810th020130low0res00614.pdf.

¹¹³⁸ Davies (2009), p. 6. This is a well-known dilemma of humanitarian assistance: "because it does not, for the most part, deliver through national institutions, it can undermine national institutional capacity". World Bank. *World Development Report 2011: Conflict, Security, and Development*. Washington D.C., 2011, p. 191.

¹¹³⁹ Downie (2012), p. 11.

¹¹⁴⁰ Email communication with international health expert based in Juba, January 2013.

¹¹⁴¹ da Costa, Diana Felix. *Working in Challenging Environments: Risk Management and Aid Culture in South Sudan*. Humanitarian Policy Group (ODI) and University of Bristol research project, field report, Juba, December 2012, p. 7.

¹¹⁴² Rietveld, Cornelis and Waldman, Ron. *Health in Fragile States. Country Case Study: Southern Sudan*.

Arlington: BASICS, July 2006, p. 17.

¹¹⁴³ Ashkenazi et al. (2008), p. 13.

¹¹⁴⁴ Muwombi, Esther, "Chinese hospitals fill medical gaps in S. Sudan, despite lack of controls", *The Niles*, 18 February 2013, <http://www.theniles.org/articles/?id=1695> (accessed: 21 February 2013).

sometimes functions as an excuse for their policy-choices¹¹⁴⁵. Presently, however, this issue is far removed from everyone's mind as displacement from the fighting between the SPLA and Riek Machar's forces and a resulting lack of agricultural cultivation have a third of the population facing starvation¹¹⁴⁶.

6.2.2. The unaccountable state: democratization in South Sudan

While it was in Africa that the greatest number of countries experienced a transition from autocratic regimes towards democracy during the 'Third Wave of Democratization', transition to democracy oftentimes has not meant a change of living conditions or acceptable standards of interaction between state and citizen. In many a case, whether or not democratization has actually instituted a democratic state remains very much an open question (see Ch. 4.1.2.2). The Comprehensive Peace Agreement in Sudan called for free and fair elections and according to its transitional constitution South Sudan is a democratic republic. In this chapter, the South Sudanese state's democratic credentials and accountability and legitimacy vis-à-vis its citizenry will be placed under the microscope from various angles. Beginning with 6.2.2.1 free elections, an important yet insufficient criterion of democracy, then shifting to 6.2.2.2 the ongoing process of constitution-making, before turning to the less tangible aspects of 6.2.2.3 the norms and reality that govern political conduct and ending with 6.2.2.4 an outlook on civil society, freedom of speech and the press.

6.2.2.1. Elections: "converting the bullets into ballots"¹¹⁴⁷

Holding elections is not only a matter of ensuring domestic legitimacy but can also be a performance directed at the observant international environment. As Willis and El Battahani show in an overview of Sudanese elections from 1953 to the present, elections have been customarily rigged and have particularly failed to represent the views of the people in the South. Thus, in the 1986 elections that followed the ouster of the dictator Nimeiry, turnout in the three southern regions was only 1% in Bahr el Ghazal, 2% in Upper Nile and 6% in Equatoria as the SPLM/A boycotted the elections¹¹⁴⁸. Organisation of political parties started late in Southern Sudan as the first specifically southern party, the Southern Party, was founded only during the election campaign for the first Sudanese elections in 1953¹¹⁴⁹. Southern parties were only briefly part of Sudanese governments and even then only as token representatives of the South without much real influence. The only elections that Southern parties viably contested were those for the Southern Regional Government during the period 1972-83 and these elections were marred by 'tribalist' discourse and ethnic mobilization¹¹⁵⁰. Although the SPLM/A was initially not too enthusiastic about the inclusion of democratic elections in the CPA, the lack of a demonstrable peace dividend and internal power struggles in addition to increasing inter-

¹¹⁴⁵ Bailey, Sarah and Harragin, Simon. *Food assistance, reintegration and dependency in Southern Sudan*. Report commissioned by the World Food Programme, June 2009, p. 39.

¹¹⁴⁶ *New York Times*, "South Sudan cannot Starve", 7 April 2014, http://www.nytimes.com/2014/04/08/opinion/south-sudan-cannot-starve.html?_r=0 (accessed: 7 April 2014).

¹¹⁴⁷ Garang (1992), p. 212.

¹¹⁴⁸ Willis, Justin and El Battahani, Atta, "'We changed the Laws': Electoral Practice and Malpractice in Sudan since 1953", *African Affairs*, Vol. 109, No. 435, 2010, pp. 191-212, p. 205.

¹¹⁴⁹ Said, Beshir Mohammed. *The Sudan: Crossroads of Africa*. London: The Bodley Head, 1965, p. 73.

¹¹⁵⁰ Hamid, Mohammad Beshir, "Confrontation and Reconciliation within an African Context: The Case of Sudan", *Third World Quarterly*, Vol. 5, No. 2, Africa: Tensions and Contentions, April 1983, pp. 320-329, p. 324.

ethnic disputes meant that the national elections came to represent a very welcome opportunity to reassert the party's legitimacy¹¹⁵¹.

National elections in 2010

Initially scheduled for 2009, national elections were held in April 2010 after having been postponed several times. A key factor in the postponement had been the national census necessary for the allotment of seats and constituencies as well as for lists of eligible voters. The SPLM did not accept the results of the 2008 census which had allegedly severely undercounted the population of South Sudan¹¹⁵² and only gave its consent for elections to be held when the South was granted additional seats¹¹⁵³. In the event, elections cemented the dominant status of the NCP in the North and the SPLM in the South. Whereas most opposition parties in the North had boycotted the elections, in the South other factors aided the incumbent. For one, the electoral system for the 2010 parliamentary, presidential and gubernatorial elections contained provisions that the CPA's signatories, NCP and SPLM, would be certain to retain a large bloc of representatives and thus dominance over the respective political arenas in Northern and Southern Sudan¹¹⁵⁴. The drawing of constituency boundaries in many cases amounted to open gerrymandering¹¹⁵⁵. This all occurred with the connivance of the U.S. and other Western countries involved in the Sudan peace process that were wary of upsetting the two signatories to the CPA such a short time before the independence referendum¹¹⁵⁶. Some commentators therefore consider it shameful how the elections "were internationally delivered to the NCP in northern Sudan and the SPLM in southern Sudan without even the grace of acknowledging their farcical nature aloud"¹¹⁵⁷.

Even though many in the SPLM seemed to take electoral success for granted, they nonetheless chose to manhandle the opposition in the South in a manner very much akin to NCP strategies in the North¹¹⁵⁸. The SPLM mobilized security organs to intimidate candidates and supporters of opposition parties¹¹⁵⁹ and election observers observed many instances of harassment "particularly by party and candidate agents and supporters, and unknown and unauthorized security personnel"¹¹⁶⁰. While there are voices that consider cases of intimidation in the course of the 2010 election campaign as the acts of individuals rather than the outgrowth of a top-down directive¹¹⁶¹, members of opposition

¹¹⁵¹ Ahmed (2009), p. 145.

¹¹⁵² *Oxford Analytica*, "Sudan: CPA faces strains as polls loom", 9 June 2009, <http://reliefweb.int/report/sudan/sudan-cpa-faces-strains-polls-loom> (accessed: 7 February 2013).

¹¹⁵³ Craze, Joshua, "Counting a Divided Nation: On the Sudanese Census", *Anthropology News*, May 2010, pp. 14-15.

¹¹⁵⁴ McHugh, Gerard. *National Elections and Political Accommodation in the Sudan*. Cambridge, MA: Conflict Dynamics International, Governance and Peacebuilding Series, Briefing Paper No. 2, June 2009, pp. 16-17.

¹¹⁵⁵ Gustafson, Marc. *Electoral Designs: Proportionality, representation, and constituency boundaries in Sudan's 2010 elections*. London & Nairobi: Rift Valley Institute, 2010, p. 42.

¹¹⁵⁶ Young, John. *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process*. London: Zed Books, 2012.

¹¹⁵⁷ El Gizouli, Magdi, "The crisis in South Sudan: swapping partners", *StillSUDAN*, 7 January 2014, <http://stillsudan.blogspot.co.uk/2014/01/the-crisis-in-south-sudan-swapping.html> (accessed: 2 February 2014).

¹¹⁵⁸ Thomas, Edward. *Decisions and Deadlines: A Critical Year for Sudan*. Chatham House Report, January 2010, p. 17.

¹¹⁵⁹ Centre for International Governance Innovation, "Southern Sudan", *Security Sector Reform Monitor*, No. 4, January 2011, p. 4.

¹¹⁶⁰ The Sudanese Group for Democracy and Elections (SuGDE) and the Sudanese Network for Democratic Elections (SuNDE). *Elections Statement*. 24 April 2010, p. 2.

¹¹⁶¹ LeRiche and Arnold (2012), pp. 224-25.

parties felt that harassment was so widespread as to be systematic¹¹⁶². The Carter Center actually concluded that interference in some states had been so extreme as to call into question the election's overall credibility¹¹⁶³.

Independence referendum & upcoming elections

The second major occasion when South Sudanese could exert their democratic rights and arguably the more important and seminal instance for most of them was the independence referendum on January 9th 2011. While the European Union Election Observation Mission found evidence of ballot stuffing (about 10% of precincts had more than 100% turnout¹¹⁶⁴) as well as voter intimidation by the SPLM and instances of pandering with votes while educating voters about the election process, the EU report stated that the referendum "was a credible process that accurately reflects the overwhelming desire of Southern Sudanese voters for secession"¹¹⁶⁵.

The true test of the worth and standing of elections in the political and social life of South Sudan are going to be the first elections to be held in fully independent South Sudan¹¹⁶⁶. Scheduled for 2015 at the latest, two main worries surround the upcoming presidential and parliamentary elections. The first worry is whether the elections are actually going to take place as Salva Kiir's leadership style has veered towards authoritarianism – in particular since reshuffling the cabinet in 2013 and in the process sacking the two most likely challengers to his continued pre-eminence in party and state. The second worry is directly related to the first. Several people in Juba voiced the opinion that Kiir would only hold elections if and as soon as he was ensured of winning a comfortable majority. According to a certain reading of the events since December 15th 2013, these fears have been confirmed as all potential challengers to president Kiir have been arrested or face trial for treason.

The war between the government and troops led by Riek Machar also reveals how the language and rhetoric of democratic rights, democratic behaviour and procedures has become an integral part of the war of words fought in communiqués and press briefings by either side. Machar insists that he would have preferred a battle at the ballot box but was driven to use force in order to liberate South Sudan "from the current dictatorship being established by Salva Kiir" and to strive for "a democratic, peaceful, prosperous nation where elections would not be rigged, where people would not be intimidated"¹¹⁶⁷. On his part, Machar's successor as vice-president, James Wani Igga, advised the

¹¹⁶² *Radio Miraya*, "Opposition political parties say harassment still prevalent in southern Sudan", no date, <http://www.radiomiraya.org/news-202/south-sudan/1878-opposition-political-parties-continue-to-face-harassment-in-southern-sudan-as-campaning-heats-up.html#gsc.tab=0> (accessed: 7 February 2014).

¹¹⁶³ The Carter Center. *Observing Sudan's 2010 National Elections April 11-18 2010*. Final Report, Atlanta, 2010, p. 3.

¹¹⁶⁴ Nicki Kindersley describes how during the referendum different districts competed to achieve 100% vote shares for independence. Kindersley, Nicki, "Traitors, Sell-outs and Political Loyalty in the New State of South Sudan", in *Year One of a Nation: South Sudan's Independence – a compendium of pieces from e-International Relations*. December 2012, pp. 41-43.

¹¹⁶⁵ European Union Election Observation Mission. *Final Report: South Sudan Referendum, 9-15 January 2011*. 2011, p. 5.

¹¹⁶⁶ In the meantime, South Sudan's parliament, the National Legislative Assembly (NLA), consists of the representatives elected to the Southern legislature in 2010 and Southern members of the former National Assembly in Khartoum. The SPLM holds more than 90% of seats in the NLA.

¹¹⁶⁷ Tanza, John, "Machar Aims to 'Liberate South Sudan from Dictatorship'", *Voice of America*, 6 February 2014, <http://www.voanews.com/content/south-sudan-machar-interview/1845824.html> (accessed: 10 February 2014).

rebel faction to cease fighting and instead contest the upcoming elections¹¹⁶⁸. While fighting was still raging in parts of the country, Kiir stated in a similar vein that a national census¹¹⁶⁹ would be carried out in 2014 so that elections could be held in time in 2015¹¹⁷⁰ – an extremely ambitious target considering the large-scale displacement of people and the fact that it took all of three years to conduct the previous census in 2008¹¹⁷¹. Soon after the signing of peace accords between the government and the SPLA-in-Opposition in May 2014, it was announced that elections would be postponed until 2017 or 2018¹¹⁷².

Popular attitudes towards democracy and elections

Comparing the electorate's perspectives on the electoral process, a highly varied picture emerges. Willis and El Battahani argue that "in the south, the secret ballot has been tarnished by its association with an authoritarian and violent state"¹¹⁷³. Thus, prior to the elections in 2010 negative views of multi-party competition prevailed in Southern Sudan as elections were feared to divide Southerners¹¹⁷⁴. Furthermore, the highly complex voting system – a combination of constituency-based elections and voting for a party list – confused much of the electorate, which was not accustomed to democratic elections¹¹⁷⁵. Many citizens were also unaware of specificities in the election process while a third could not name any parties other than NCP or SPLM¹¹⁷⁶. Asked specifically about their knowledge of democracy, only half of the sample (48%) claimed to be at least partly familiar with the idea of democracy. In a 2013 survey, 40% of respondents felt that South Sudan was a democracy with major problems, 21% said it was a democracy with minor problems while 19% considered South Sudan not a democracy compared to only 10% who thought it was a full democracy¹¹⁷⁷.

Closely related to this scepticism of pluralist competition is the fact that in the eyes of many South Sudanese, SPLM and the state are virtually identical¹¹⁷⁸. Yet, there is also a very vocal group of South Sudanese mostly in the towns that has readily adopted the language of democratic accountability¹¹⁷⁹. Thus, a summary of an NDI survey from 2011 reads: "More than anything, participants want a government that listens and is responsive to its people. They believe that achieving that first requires

¹¹⁶⁸ *Sudan Tribune*, "South Sudan's VP Igga tells armed opposition to wait for elections", 4 February 2014, <http://www.sudantribune.com/spip.php?article49839> (accessed: 5 February 2014).

¹¹⁶⁹ A member of the National Bureau of Statistics, which is responsible for the census, told me that the first post-independence census was supposed to be carried out in 2012 but had been put off for lack of funding and logistical preparation. Juba, 21 October 2013.

¹¹⁷⁰ Wudu, Waakhe Simon, "President Kiir Announces Plans For 2015 Elections", *Gurtong*, 23 January 2014, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/14698/Default.aspx> (accessed: 23 January 2014).

¹¹⁷¹ Mayai, Augustino Ting; Abucha, Martin and Jok, Jok Madut, "The 2015 National Census and Elections: An Analysis of President Kiir's Announcements", *The Sudd Institute*, Policy Brief, 1 February 2014.

¹¹⁷² *BBC News*, "South Sudan's elections postponed, says President Kiir", 12 May 2014, <http://www.bbc.com/news/world-africa-27381509> (accessed: 15 May 2014).

¹¹⁷³ Willis and El Battahani (2010), p. 195.

¹¹⁷⁴ Cook and Vexler (2009), p. 7.

¹¹⁷⁵ Gustafson (2010), p. 42.

¹¹⁷⁶ Cook and Vexler (2009), p. 7.

¹¹⁷⁷ International Republican Institute. *Survey of South Sudan Public Opinion*. 24 April to 22 May, 2013, p. 34.

¹¹⁷⁸ Dargatz (2011), p. 4.

¹¹⁷⁹ Interview with a South Sudanese academic, Juba, 20 October 2013.

the adoption of democracy, with its provision of equal rights for all and its empowerment of the citizenry to choose leaders and hold them accountable”¹¹⁸⁰.

However, it is worth noting that such an outcome is very much what NDI would like to obtain since it coincides almost entirely with its vision for post-war South Sudan and would therefore constitute a boost to the credibility and legitimacy of its own mission. On the other end of the spectrum, there is scepticism about having too many parties and even a call for a constitutional limit on the number of political parties¹¹⁸¹. The ambiguity many feel towards democracy is captured in a former minister’s quip during a conversation in parliament: “If the sun is shining outside and we say it’s night, then it is night. That is democracy”¹¹⁸².

6.2.2.2. Party politics in South Sudan

South Sudan is a parliamentary democracy with more than 20 registered political parties, yet the SPLM’s dominance in parliament and public life is so vast that South Sudan in its present form has been called a de facto one-party state¹¹⁸³. Given the SPLM’s dominant standing and the fact that it encompasses a broad coalition of actors, Crisis Group’s assessment that “intra-party politics are likely to overshadow inter-party politics for the foreseeable future”¹¹⁸⁴ is an accurate description of political realities in South Sudan. Oftentimes it is difficult to distinguish party and government in a manner which is reminiscent of Eastern Europe’s Socialist states of the Cold War period. As Gérard Prunier points out, “[m]ost political debate does not take place in parliament but within the SPLM, which has preserved the vertically integrated organisation of its Leninist past”¹¹⁸⁵. Therefore, the SPLM warrants a special analysis all to itself.

SPLM internal politics

On the one hand, the first guiding principle in the SPLM Constitution is democracy and political pluralism¹¹⁸⁶. Yet, there is a long tradition of hierarchical leadership in the SPLM which is a direct inheritance of the movement’s primarily military orientation throughout much of the second war period. In the early 1990s shortly after the Nasir split, Gill Lusk presented a whole list of in part mutually contradictory attributes that characterized the SPLM: “un mouvement militaire, une organisation politique, le ‘royaume’ de Garang, l’actualisation d’un continuum historique, l’affirmation d’une identité sudiste”¹¹⁸⁷.

Up until his death in 2005, John Garang had been the head of both SPLM and SPLA. Garang’s personalized style of leadership meant that much of the decision-making and internal negotiations were conducted in highly informal, generally closed and often very exclusive circles of trusted

¹¹⁸⁰ Cook (2011), p. 13.

¹¹⁸¹ Manyon, Dhiim, “Proliferation Of Political Parties: A Question Of Constitutional Debate”, *Gurtong*, 2 January 2012, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/6254/Default.aspx> (accessed: 8 February 2012).

¹¹⁸² Conversation with former minister in the Government of South Sudan, Juba, 17 October 2013.

¹¹⁸³ Dargatz (2011), p. 4.

¹¹⁸⁴ International Crisis Group. *Politics and Transition* (2011), p. 13.

¹¹⁸⁵ Prunier, Gérard, “South Sudan: it all began so well”, *Le Monde diplomatique (English edition)*, February 2014, <http://mondediplo.com/2014/02/03southsudan> (accessed: 10 February 2014).

¹¹⁸⁶ SPLM. *The Constitution of the Sudan People’s Liberation Movement SPLM*. May, 2008.

¹¹⁸⁷ Lusk, Gill, “Les crises du mouvement armé sud-Soudanais”, *Politique Africaine*, No. 50, 1993, pp. 32-44, pp. 33-34.

confidants and high-ranking generals. In turn, formal mechanisms of inner-party democracy and delegation of tasks and authority never amounted to much. Right from its inception, the SPLA developed the habit of resolving internal conflict by force as the movement put a premium “on military discipline, security, centralization of decision-making, control of information, and intelligence surveillance”¹¹⁸⁸, which led to an authoritarian structure at odds with the purported aim of liberating the country from oppression. The Chukudum Convention in 1994, the party’s first ever gathering which had been organized in response to the defection of the Nasir faction in 1991, introduced the nominal division between military and civilian authority. However, internal elections in Chukudum were far from free and fair because “[t]he SPLM/A leadership was eager to vindicate its claim of fighting the war on behalf of the population, while, at the same time, it had no intention of loosening control of the Movement”¹¹⁸⁹. On the ground where several interrelated wars were being fought at the time, the pace of practical changes in the following years was in fact very slow and decision-making remained personalized and concentrated at the top¹¹⁹⁰.

In the present, “a military culture still pervades the SPLM and the GoSS”¹¹⁹¹ where firm party discipline and highly centralized and opaque decision-making are the norm. An open question herein is to what extent party and army are really distinct entities. Modest hopes for a more democratic SPLM under the leadership of Salva Kiir, who had previously criticized Garang’s decision-making, soon dissipated during the CPA period¹¹⁹². The party leadership, even if this is not reflected in everyday politics, is structured in a well-defined hierarchy reminiscent of the line of succession tables of European monarchies. Starting from Salva Kiir at the top, everyone in the leadership circle is part of a descending line that designates their rank and place in the order of succession¹¹⁹³. Status and rank are not conveyed based on achievement but remain very much tied to military rank and longevity in the movement with those that joined later in the struggle generally placed lower than those that had joined before. As a result, a generational gap can be observed inside the SPLM as a core group of mostly sexagenarian leaders that joined the SPLA rebellion soon after the resumption of armed struggle in 1983 continues to hold most positions of power and influence. On top of this gerontocratic mode of selection, “[e]thnic, regional and interest lobbies influence the appointments to SPLM positions in government as well as to legislative assemblies”¹¹⁹⁴.

Throughout its existence, the SPLM as a political movement has not presented many openings for internal debate and competition and “the SPLA/M’s legacy of autocratic rule over ‘liberated areas’ still looms large in the South’s collective political psyche”¹¹⁹⁵. There is, for instance, a sense that the SPLM party has lost influence since 2005 and especially after independence in 2011 as most of its most powerful members moved (along with their power) from the party to ministries and other

¹¹⁸⁸ Kok (1996), p. 559.

¹¹⁸⁹ Rolandsen (2005), p. 109.

¹¹⁹⁰ Young, John (2002), p. 110.

¹¹⁹¹ International Crisis Group. *Politics and Transition* (2011), p. 12.

¹¹⁹² International Crisis Group. *Sudan’s Comprehensive Peace Agreement: The Long Road Ahead*. Africa Report No. 106, 31 March 2006, p. 22.

¹¹⁹³ When Riek Machar rejoined the SPLM in 2002, he took over the No. 3 position from James Wani Igga and behind No. 2. Salva Kiir and No. 1 John Garang. Upon Garang’s death in 2005, everyone simply moved up one spot, with 1. Kiir as president, 2. Machar as vice-president, 3. Wani Igga as speaker of parliament in Southern Sudan and 4. Pagan Amum as Secretary General of the SPLM. Nyaba, Peter Adwok. *South Sudan. The State We Aspire To*. Cape Town: CASAS, 2011, p. 168.

¹¹⁹⁴ Ibid, p. 165.

¹¹⁹⁵ LeRiche and Arnold (2012), p. 219.

government posts¹¹⁹⁶. At the same time, while the SPLM may have many members and organizational structures, it is in reality far from a genuine grassroots party in touch with the proverbial common man and woman¹¹⁹⁷. In many respects, the SPLM still retains the strictly hierarchical command structures borrowed from the Communist regime in Ethiopia in the 1980s, making the party “the orphaned child of the Derg”¹¹⁹⁸.

An example of the lack of democratic practices inside the party is the selection of candidates for election. In preparation for the 2010 elections, the candidates elected by the electoral colleges of each state had to be endorsed by the SPLM politburo, which rejected candidates seemingly arbitrarily, leading to disgruntlement and rebellion¹¹⁹⁹. The SPLM’s decision to nominate members of the old guard over those candidates submitted by the state offices created a split between party elite and party base, and several among the rejected candidates (around 300) decided to run as independents against the SPLM nominee¹²⁰⁰. Seeing their political ambitions frustrated in such a manner actively drove some *manqué* politicians (George Athor, Peter Gadet, David Yau Yau) to rediscover their past as militia leaders and take up arms against the state (see Ch. 6.1.2 on the Hybrid State).

The most worrisome trend since the SPLM became the governing party of Southern Sudan has been the viciousness of infighting that can carry all the way to armed rebellion with thousands of lives lost (see the section on South Sudanese militias). Already during the last years of the civil war, a rift had emerged between a group of younger men close to John Garang (the so-called ‘Garang boys’) and more senior military figures that felt left out. Soon after Garang’s death in 2005, a power struggle between ‘Garangites’ and ‘Kiirites’ gripped hold of the party leadership and ended with the (in many cases temporary) political or physical exile of most of the Garangites¹²⁰¹. Thus, the events of December 2013 only follow in a long line of internal competition and do not mark an outlying event.

In a cabinet reshuffle in July 2013, Salva Kiir sacked Secretary General Pagan Amum and Vice-president Riek Machar, who had both announced their candidacy for the leadership of the party¹²⁰². This cabinet reshuffle was widely seen as part of a power struggle within the SPLM over the party’s

¹¹⁹⁶ Nyaba (2011), p. 177. When the SPLM’s long-standing Secretary General Pagan Amum was sacked by Salva Kiir after Amum had declared his intention of running for president, his successor Anne Itto was widely deemed to lack the political clout and standing to effectively represent the party vis-à-vis the government. Interview with high-ranking member of the SPLM, Juba, 11 October 2013.

¹¹⁹⁷ Roque, Paula Cristina, “The SPLM: Political Transformation or Strategic Adaptation?”, in Heinrich Böll Foundation and Weis, Toni (eds.) *Sudan after Separation. New Approaches to a New Region*. Vol. 28 in the publication series on democracy. Berlin: Heinrich Böll Foundation, 2012, pp. 68-80, p. 76.

¹¹⁹⁸ Van Oudenaren, Daniel, “Analysis: Political dimensions of the South Sudan crisis”, *Radio Tamazuj*, 5 March 2014, <https://radiotamazuj.org/en/article/analysis-political-dimensions-south-sudan-crisis> (accessed: 28 April 2014).

¹¹⁹⁹ Atta-Asamoah et al. (2011), pp. 8-9.

¹²⁰⁰ The then-deputy secretary general of the SPLM, Anne Itto, told US officials that the process of selecting candidates had thrown the party into disarray. American Embassy Khartoum, “INDEPENDENT SPLM CANDIDATES CREATE CRISIS WITHIN THE PARTY”, 16 February 2010, <http://wikileaks.org/cable/2010/02/10KHARTOUM264.html> (accessed: 20 February 2014).

¹²⁰¹ Lokuji, Alfred Sebit. *Hazards in the power sharing aspects of the Comprehensive Peace Agreement during the Interim Period in the Sudan*. Nairobi & Waterloo: Africa Peace Forum & Project Ploughshares, Project: Building the capacity for sustainable peace in Sudan, Paper No. 2, 2006, pp. 12-13.

¹²⁰² Tisdall, Simon, “South Sudan president sacks cabinet in power struggle”, *Guardian*, 24 July 2013, <http://www.guardian.co.uk/world/2013/jul/24/south-sudan-salva-kiir-sacks-cabinet> (accessed: 25 July 2013).

and hence the country's future leadership¹²⁰³. The background is that prior to the next national elections, a national convention will have to convene and choose a candidate. Originally scheduled for early 2013, the national convention is yet to come together¹²⁰⁴. Instead, in November 2013 president Kiir dissolved all party structures, allegedly because of their poor performance¹²⁰⁵. Then, immediately after a meeting of the National Liberation Council, the SPLM's highest executive organ, which Riek Machar and other senior members prematurely left in protest at the "undemocratic processes" in the party¹²⁰⁶, violence erupted in army barracks in Juba on December 15th 2013 and soon engulfed several parts of the country. In the light of these events, the cabinet reshuffle was arguably the most momentous political event since South Sudan's independence. A crisis in the governing party is an equally serious crisis for the state¹²⁰⁷, which underlines the contention that in South Sudan the two cannot as of now be separated.

Opposition parties and the SPLM

Opposition parties in South Sudan are not only weak, the SPLM also has a history of absorbing other movements. The SPLM whose manifesto mentions "a vibrant multi-party democracy" as one of the party's pillars¹²⁰⁸ has pursued different strategies of dealing with opposition parties and opposition parties have likewise oscillated between cooptation/cooperation and harsh criticism of the SPLM. Public attitudes seem to favour a less adversarial and more cooperative approach to interaction between different South Sudanese parties. A survey from 2012 found that a majority thought that opposition parties ought to be included in the government both for idealistic and practical reasons, i.e. so as to prevent defeated candidates from acting as spoilers like George Athor and other candidates-turned-militia-leaders¹²⁰⁹.

In official interaction between SPLM and other Southern parties, a conciliatory tone has been the norm, especially prior to the independence referendum. Thus, in a meeting between opposition parties and the SPLM in 2008, the SPLM committed itself to uphold multi-party democracy, political pluralism, freedom of association, internal party democracy and the creation of a leadership forum for direct contacts between the SPLM and the opposition¹²¹⁰. Even shortly after independence, then-vice president Riek Machar claimed to "have recognised the importance of collaboration and

¹²⁰³ There is another layer to the cabinet reshuffle as it appeared to please and appease Sudan's leadership which dropped the threat of cutting off oil exports through its territory on the understanding that the new crop of ministers had a more favourable view of Khartoum than their predecessors. International Crisis Group. *Sudan's Spreading Conflict (III)* (2014), p. 22.

¹²⁰⁴ Wudu, Waakhe Simon, "SPLM Chair Directs Secretariat to Organize Party Convention", *Gurtong*, 28 August 2013, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/12710/SPLM-Chair-Directs-Secretariat-to-Organize-Party-Convention.aspx> (accessed: 30 August 2013).

¹²⁰⁵ *Sudan Tribune*, "S. Sudan's SPLM confirms dissolution of all structures", 22 November 2013, <http://www.sudantribune.com/spip.php?article48902> (accessed: 10 February 2014).

¹²⁰⁶ *Sudan Tribune*, "SPLM leaders pull out of NLC meeting over 'lack of dialogue spirit'", 14 December 2013, <http://www.sudantribune.com/spip.php?article49181> (accessed: 15 December 2013).

¹²⁰⁷ As even Anne Itto herself pointed out, neither Riek Machar nor any of his associates actually left the SPLM but merely took up *internal* opposition to Salva Kiir's leadership. Pelz, Daniel, "Anne Itto: 'South Sudan is not a written off case'", *Deutsche Welle*, 26 March 2014, <http://www.dw.de/anne-itto-south-sudan-is-not-a-written-off-case/a-17520334> (accessed: 28 March 2014).

¹²⁰⁸ SPLM. *The SPLM Manifesto*. May 2008, p. 18.

¹²⁰⁹ Cook and Moro (2012), pp. 13-14.

¹²¹⁰ *The Resolutions and Recommendations of The Dialogue between SPLM and Southern Political Parties*. Nyokuron, Juba, 8-13 November 2008.

mobilisation of all political parties and CSOs [civil society organisations] in working together”¹²¹¹. Consultation with other parties is also sought in times of crisis. Hence, in the aftermath of the outbreak of violence in December 2013, the president convened representatives of all political parties in South Sudan to convey his version of events and issue a joint statement condemning the coup d’état¹²¹². The call for an inclusive interim government to resolve the crisis was on the other hand promptly rebuffed by the SPLM¹²¹³.

Relations with the primarily Shilluk SPLM-Democratic Change are indicative of the SPLM’s more confrontational approach. The background to conflict is that Lam Akol, former leader of the Nasir split, left the SPLM to found the oppositional SPLM-DC (South Sudan People’s Liberation Movement – Democratic Change) in 2009 and ran against Salva Kiir for president of Southern Sudan under the banner of national unity. As the sole challenger Akol won 7% of the vote based on the promise to rectify the SPLM’s alleged corruption and lack of democratic credentials¹²¹⁴. In response to this challenge to SPLM dominance, four elected SPLM-DC representatives were temporarily arrested in May 2010 while violent clashes between locals and SPLA occurred¹²¹⁵. Members of the SPLM establishment have accused the SPLM-DC as a party and Lam Akol personally with running an armed militia and being Khartoum’s stooges¹²¹⁶. Periodically, members of the SPLM-DC have been arrested¹²¹⁷ and Akol, himself threatened with arrest, eventually fled the country for Khartoum in late 2011 and only returned upon receiving a presidential pardon two years later¹²¹⁸.

The United Democratic Front (UDF) and its leader Peter Abdelrahman Sule’s story is eerily similar. Accused of harbouring a military wing with the aim of bringing down the government, Sule was arrested in 2011 and pardoned in 2013 along with Lam Akol without having been charged during his incarceration¹²¹⁹. Following his release, there were rumours that the UDF was in fact in the middle of negotiations to merge with or rather to be submerged in the SPLM. Another more subtle manner by which the SPLM government challenges opposition parties is by adding more and more conditions for party registration – a party has to have democratically elected office-holders; proper representation of women, ethnic groups, regions, minorities and youth; branches in all ten states and

¹²¹¹ Machar, Riek, “Experiences of State Building and Development in South Sudan”, in *Statebuilding and Development in South Sudan*. Nairobi: African Research and Resource Forum, 2011, pp. 13-21, p. 15.

¹²¹² Pachodo, “Statement by South Sudan Political Parties on the Recent Aborted Coup de tat [sic!] in the Country”, 31 December 2013, <http://pachodo.org/latest-news-articles/pachodo-english-articles/7985-statement-by-south-sudan-political-parties> (accessed: 11 February 2014).

¹²¹³ Mayom, Gabriel, “Political Parties Warned Against Calling For Interim Government”, *Gurtong*, 17 February 2014, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/14898/Default.aspx> (accessed: 17 February 2014).

¹²¹⁴ *New Sudan Vision*, “SPLM-DC accuses Kiir’s SPLM of political intimidation in Upper Nile State”, 3 July 2009, <http://www.newsudanvision.com/sudan/1767-splm-dc-accuses-kiirs-splm-of-political-intimidation-in-upper-nile-state> (accessed: 6 February 2014).

¹²¹⁵ Human Security Baseline Assessment for Sudan and South Sudan (HSBA). *SPLM/A-Shilluk Conflict in Upper Nile*. Geneva: Small Arms Survey, April 2011, pp. 1-2.

¹²¹⁶ Mayom, Manyang, “Lam Akol - Malakal clashes are responsibility of SPLM not SPLM-DC”, *Sudan Tribune*, 16 March 2011, <http://www.sudantribune.com/Lam-Akol-Malakal-clashes-are,38305?amp> (accessed: 3 May 2013). The Carter Center also observed that the Juba government considered the SPLM-DC a de facto cover for the NCP. The Carter Center (2010), p. 12.

¹²¹⁷ *Sudan Tribune*, “Upper Nile State arrests 15 members of SPLM-DC’s ‘military wing’”, 21 August 2012, <http://www.sudantribune.com/spip.php?article43649> (accessed: 6 February 2014).

¹²¹⁸ Wudu, Waakhe Simon, “South Sudan opposition leader Lam Akol returns home”, *The Niles*, 4 November 2013, <http://www.theniles.org/articles/?id=2124> (accessed: 14 November 2013).

¹²¹⁹ Mandil, Nichola, “Exclusive: Ex-political detainee Peter Sule speaks”, *Eye Radio*, 18 October 2013, <http://eyeradio.org/ex-political-detanee-peter-sule-speaks/> (accessed: 7 February 2014).

“as members, not less than five hundred registered voters from each of more than at least eight states”¹²²⁰ – conditions that might be too onerous for many smaller outlets.

One thing, however, holds for all opposition parties. Much like the different factions inside the SPLM, South Sudan’s political parties and their members are not distinguishable by ideological orientation but rather represent personal and sometimes ethno-regional group interests. At the risk of misrepresenting more high-minded individuals, the overall motivation for political activism seems to be the desire to partake of the state’s riches. Moreover, the opposition’s chances of truly challenging the SPLM appear naught as long as they remain as fragmented as currently constituted¹²²¹. Another crucial aspect of political parties in South Sudan is the centrality of possessing (or being accused of possessing) a paramilitary wing, which can be traced to the very nature of the political system that emerged from the Comprehensive Peace Agreement. The only parties to the peace deal were military organizations and the CPA excluded anyone from access to power who lacked the ability to raise a militia. Johan Brosché is absolutely correct in stating that “[t]his implies not just a severe democracy problem but also a significant risk for new violence by other groups, as it signals that the only way to power is through military means”¹²²².

Constitution: Drafting a new one

Bullying of the opposition through strength in numbers is an apt description of the SPLM’s approach to constitution-making. After the Transitional Constitution came into effect with independence on 9 July 2011, a process of drafting a permanent constitution for the country was officially initiated¹²²³. In this process, the president assumes an outstanding role: the members of the Constitutional Conference that the president appoints have to present their draft first to the president who will then present it to the legislature. He also possesses the final right of signing the Constitution into effect and therefore multiple points at which he can influence the content and shape of the document¹²²⁴. “Among the organs of the National Government the President has been given a dominant position that has no institutional counterweight. [...] Among the losers are the MPs, the states, the chiefs and the people”¹²²⁵. Informing and involving the public about the process also seems to have a low priority for the government as a majority of those queried (56%) professed that they had never heard of the national constitutional process currently underway¹²²⁶ while in a

¹²²⁰ *Political Parties Act 2012*, Laws of South Sudan, Act No. 33, Juba, 29th February 2012.

¹²²¹ There have been attempts at forming a united opposition party but so far they have come to nothing. *Sudan Tribune*, “South Sudan: 18 opposition parties consider forming single political party”, 13 October 2011, <http://www.sudantribune.com/spip.php?article40423> (accessed: 1 November 2012).

¹²²² Brosché, Johan. *Sharing Power – Enabling Peace? Evaluating Sudan’s Comprehensive Peace Agreement 2005*. Uppsala: Uppsala University, 2009, p. 33.

¹²²³ The Transitional Constitution has also been lambasted as an “SPLM Constitution”. Otto, Peter Adwok, “The Interim Draft Constitution of South Sudan is a SPLM Constitution”, *Pachodo*, 29 April 2011, <http://pachodo.org/latest-news-articles/pachodo-english-articles/2077-the-interim-draft-constitution-of-south-sudan-is-a-splm-constitution> (accessed: 10 February 2014).

¹²²⁴ Auer, Andreas; Bisaz, Corsin; Mendez, Fernando and Thüner, Daniel. *The Transitional Constitution of the Republic of South Sudan 2011: An Expert View from the Outside*. Zentrum für Demokratie Aarau, 31 October 2011, p. 41.

¹²²⁵ *Ibid*, p. 46.

¹²²⁶ International Republican Institute (2013), p. 48.

separate study only about half of respondents (mostly from urban or peri-urban areas) could even define what a constitution was¹²²⁷.

SPLM officials seem to see any inclusion of opposition figures in the transition period as a gesture of goodwill rather than as an obligation. Thus, the 'National Constitutional Review Commission', charged with drafting the Transitional Constitution included only one non-SPLM member in direct contravention of agreements made at the October 2010 All Political Parties Conference¹²²⁸. A civil society representative in the commission emphasized how little time and space was given to non-SPLM members to voice their positions and that the SPLM majority often acted like bullies¹²²⁹, which is very much a repeat of how president Kiir used carrots and sticks or coercion and goodies to get parliament to approve the current Transitional Constitution¹²³⁰. Reluctance to allow outsiders to share in the exercise of actual policy-making is since its infancy characteristic of the SPLM and can be called a party tradition. Further proof of the government party's majoritarian outlook on dealing with the opposition and on the future of democracy in South Sudan more globally can be gleaned from a revealing speech president Kiir gave in September 2013. Addressing an audience of SPLM members, Kiir said that in-fighting for government posts was unnecessary because the party would rule South Sudan for another 100 years¹²³¹. Hence, there would be ample time for everybody in the party to enjoy their moment in the sun.

6.2.2.3. Governmental conduct & the ethos of democracy

Elections alone do not make a full-fledged democracy. In one of the more hard-fought debates in political science and sociology, a strong strand of thought holds that there are pre-political preconditions for a democracy to take root and to succeed. In other words, political and societal elites have to buy into the idea of democratic procedures of decision-making and interest representation and themselves abide by democratic norms for the democratic state to function. In Southern Sudan, exposure to and experience of democratic processes has been minimal to date. As Joseph Lagu, the Anya-nya's former commander-in-chief writes in his memoirs, the military and its organization took precedence not only because it was a higher priority but because unity among political actors was much harder to achieve¹²³². And in his memoirs current vice-president Wani Igga is sceptical that democracy can work in a country like South Sudan that lacks political consciousness and is prone to ethnic mobilization¹²³³.

¹²²⁷ Cook, Traci D.; Moro, Leben Nelson and Lo-Lujo, Onesimo Yabang. *From a Transitional to a Permanent Constitution: Views of Men and Women in South Sudan on Constitution-Making*. National Democratic Institute for International Affairs, June 2013, p. 9.

¹²²⁸ International Crisis Group. *Politics and Transition* (2011), p. 10.

¹²²⁹ Interview with Muslim Women Representative, Juba, 24 October 2013.

¹²³⁰ Telephone interview with foreign consultant on South Sudan's constitution-making process, April 2013.

¹²³¹ *Sudan Tribune*, "Kiir says SPLM will rule South Sudan for 100 years", 27 September 2013, <http://www.sudantribune.com/spip.php?article48219> (accessed: 30 September 2013).

¹²³² Lagu, Joseph. *Sudan Odyssey Through A State: From Ruin to Hope*. Omdurman: MOB Center for Sudan Studies, 2006.

¹²³³ Igga, Wani. *Southern Sudan: Battles Fought and the Secrecy of Diplomacy*. Kampala: Roberts & Brothers General Printers, 2008, p. 127, cited in Verjee, Aly, "South Sudan's new vice-president: Battles Fought and the Secrecy of Diplomacy", *thoughtsonthesudans*, 27 August 2013, <http://thoughtsonthesudans.wordpress.com/2013/08/27/south-sudans-new-vice-president-battles-fought-and-the-secrecy-of-diplomacy/> (accessed: 17 March 2014).

The period since independence has revealed most clearly the relative strength of constitutional organs and how far they respect or exceed their legally assigned limits of authority. Naturally, it is typically cases of transgression that make the news and stir debate rather than the more mundane regular functioning of government. These instances of unconstitutional behaviour and especially the reaction by published opinion towards these actions, however, reveal a lot not only about what is happening in South Sudan's institutions but also what is deemed acceptable or scandalous, i.e. where the lines of passable political performance are drawn. To some extent, political conduct by those in charge of the levers of power has been shaped by the changed incentive structure to show democratic credentials after independence had been attained. Thus, having secured international recognition for South Sudan's independence and with substantial oil revenues in hand, the government of South Sudan's reliance on U.S. goodwill has markedly declined¹²³⁴.

In the light of mounting criticism from its Western backers¹²³⁵ and the reluctance of Western investors to build up a presence in South Sudan, the Chinese politico-economic model may seem increasingly attractive to the leadership in Juba. Crisis Group quotes a state governor who opines that "the Chinese are here and ready to build now ... the Americans ... they just want to talk about politics and democracy"¹²³⁶. Apart from economic cooperation that has extended beyond oil to infrastructure projects as well as to private enterprises (hotels, hospitals, petty merchants), China may prove to be a valuable partner to the GoSS not least because the near-indivisibility of party and state that prevails in contemporary South Sudan is akin to the Communist Party's position in the Chinese state¹²³⁷. A fascinating version of this argument is presented by Addis Ababa Othow Akongdit who claims to show, first, that political stability is the key determinant of economic stability and second that political stability is not tied to democracy but can be attained by one-party states¹²³⁸. Since fear of losing power is the main trigger of instability in African countries, the SPLM's preponderance over its competitors should be seen as a good thing for South Sudan's economic prospects.

On the other hand and in spite of Kiir's belief that the SPLM will rule for another century, doubts about the party's long-term dominance of the political scene in South Sudan have apparently penetrated the heart of the SPLM leadership. A tour of the ten states of South Sudan by members of the SPLM political bureau in 2012 is supposed to have led to the sobering realization that people in the country were increasingly unhappy with the SPLM's and the government's performance, which in

¹²³⁴ Landler, Mark, "U.S. Is Facing Hard Choices in South Sudan", *New York Times*, 3 January 2014, <http://www.nytimes.com/2014/01/04/us/politics/us-is-facing-hard-choices-in-south-sudan.html?pagewanted=2&src=recg&pagewanted=all> (accessed: 5 January 2014).

¹²³⁵ The U.S. ambassador to South Sudan in an opinion piece explicitly linked the continuation of U.S. development aid to the country to the South Sudanese government's continued efforts to establish democratic standards as "blatant disregard of democratic principles could [...] result in the immediate loss of U.S. foreign assistance". Page, Susan D. *Democracy Is a Fragile Thing*. Office of the U.S. Ambassador to the Republic of South Sudan, 28 September 2012, available at: <https://www.ndi.org/files/Op-ed%20Democracy%20Is%20a%20Fragile%20Thing.pdf>.

¹²³⁶ International Crisis Group. *China's New Courtship in South Sudan*. Africa Report No. 186, 4 April 2012, p. 8.

¹²³⁷ Ibid, p. 1.

¹²³⁸ Akongdit, Addis Ababa Othow. *Impact of Political Stability on Economic Development: Case of South Sudan*. Bloomington: AuthorHouse, 2013, pp. 223-225.

turn led to finger-pointing and dissension among the party elite¹²³⁹. What is very interesting in this regard is the close relationship between the SPLM and South Africa's African National Congress party¹²⁴⁰. After fighting the apartheid regime in Pretoria for several decades, the ANC successfully transformed into a political party that – in spite of mounting scandals – continues to have a stranglehold on power in South Africa. As such, the ANC is clearly a model for the SPLM as evidenced not only by statements from SPLM officials but also by official consultations between party delegations¹²⁴¹.

Illegitimate rule: autocratic conduct by the executive

Going beyond the questionable treatment of the opposition both inside and outside the SPLM, there is plentiful evidence that the Government of South Sudan is failing to uphold the laws it has passed, the (transitional) constitution it has written and to protect the human rights it claims to have waged a long war for. This is particularly true for the constitutional rules of democratic politics that have been flaunted time and again by various layers of government. Gordon Buay, a former secretary general of one of the factions that comprised the South Sudan Defence Forces that merged with the SPLM in 2008, cautioned after the 2010 elections that "[t]he military supremacy that reigned supreme during the liberation struggle before the conclusion of the CPA is the first enemy of liberal democracy in South Sudan"¹²⁴². Additionally, Salva Kiir is allegedly building up South Sudan's domestic intelligence services as a means to hold onto power¹²⁴³.

For one, president Kiir has sacked several elected state governors and replaced them with appointees while relying on a highly circumspect reading of his constitutional rights. In January 2013, Chol Tong Mayay was removed from his post as governor of Lakes State and replaced with a caretaker governor¹²⁴⁴. The move confirmed worries that the transitional constitution assigned way too much power to the president¹²⁴⁵. While officially the justification was a threat to national security (as required by §101 (r) of the Transitional Constitution), the real motive was suspected to lie in the former governor's good connection with then-vice president Riek Machar¹²⁴⁶. In fact, Mayay was arrested after the alleged coup attempt in December 2013 as a co-conspirator and Taban Deng Gai,

¹²³⁹ Awolich, Abraham, "The Unwanted Carnage in South Sudan", *The Sudd Institute*, Policy Brief, 13 February 2014, pp. 2-3.

¹²⁴⁰ Nathan, Laurie, "Interests, Ideas and Ideology: South Africa's Policy on Darfur", *African Affairs*, Vol. 110, No. 438, 2011, pp. 55-74, pp. 59-60.

¹²⁴¹ The most recent of these occurred in October 2013. *Sudan Tribune*, "South African ANC officials in Juba to educate SPLM", 9 October 2013, <http://www.sudantribune.com/spip.php?article48371> (accessed: 7 February 2014).

¹²⁴² Buay, Gordon, "Kiir should remove army officers from National Anthem Committee", *Sudan Tribune*, 15 August 2010, <http://sudantribune.com/spip.php?article35951> (accessed: 6 April 2014).

¹²⁴³ Interview with a foreign diplomat working on the Sudans, January 2013.

¹²⁴⁴ *Sudan Tribune*, "Kiir sacks Lakes state governor", 21 January 2013, <http://www.sudantribune.com/spip.php?article45262> (accessed: 7 February 2014).

¹²⁴⁵ Ngor, Mading, "Will the Sacking of Elected Governor Mark the Unraveling of South Sudanese Constitution?", *Huffington Post*, 23 January 2013, http://www.huffingtonpost.co.uk/mading-ngor/south-sudan_b_2532169.html (accessed: 9 February 2014).

¹²⁴⁶ Junub, Lotueng, "Lakes State Community loses [sic!] zeal for Kiir's leadership", *South Sudan Nation*, 20 March 2013, <http://www.southsudannation.com/lakes-state-community-loses-zeal-for-kiirs-leadership/> (accessed: 7 February 2014).

who had been dismissed as governor of Unity State in July 2013¹²⁴⁷, joined the rebel fighters against the government and was charged with treason¹²⁴⁸. Contrary to the constitution, no elections for governor have been held or scheduled in either of the two states. The same fate of being replaced without much ado and proper justification also affects county commissioners, which are the next level beneath state governors¹²⁴⁹. This is a clear sign of a top-down structure of authority as each officeholder *de facto* responds not to the people he or she is said to represent but to the higher-ups in Juba that have ultimate say over whether or not he or she gets to keep the job.

Another sign of executive dominance in dealing with the other branches of government is the effective powerlessness of parliament. The most telling example occurred during the vetting process of prospective ministers for the new cabinet in the summer of 2013. Telar Ring Deng, a well-known judge, lawyer and Salva Kiir's choice for Minister of Justice, was turned down by the South Sudan Legislative Assembly (SSLA) on the grounds that he could not produce his law degree. While some took this as a sign of parliamentary sovereignty and the nascent functioning of the principle of checks and balances¹²⁵⁰, subsequent events tell a different story. The president threatened to dissolve parliament if it dared to vote against his nominee for vice-president¹²⁵¹. A member of parliament recalled the instance as follows: "The president came in with bad mood and introduced to us Cde James Wani Igga for his nomination as the new Vice President. Then he started to threaten us with dissolutions and dismissals. After he finished with his threats nobody spoke and the meeting ended like that"¹²⁵². Peter Nyaba's assessment of parliament from 2011 is therefore still accurate: "Instead of fulfilling its supervisory and watchdog functions over the government, this SSLA has become the GOSS executive's rubber stamp"¹²⁵³.

There are also regional and local examples of arbitrary conduct by officeholders. Under the leadership of state governor Rizik Zakaria Hassan, the authorities of Western Bahr el Ghazal have since October 2012 increasingly resorted to arbitrary arrests of parliamentarians, journalists, youth activists and others that are opposed to moving Wau County to a different town¹²⁵⁴. In Warrap state, when trade unions protested in April 2013 against the unilateral decision to cut civil servants' wages to pay for a sports tournament, the governor Nyandeng Malek reacted by simply suspending the union¹²⁵⁵. A few months later, she violated the state constitution by instating a new cabinet without seeking approval from the state assembly¹²⁵⁶. All in all, Freedom House gave South Sudan the grade

¹²⁴⁷ *SPLM Today*, "President Kiir axes Unity State Governor Taban Deng Gai", 8 July 2013, <http://www.splmtoday.com/index.php/news-mainmenu-2/732-president-kiir-axes-unity-state-governor-taban-deng-gai> (accessed: 17 November 2013).

¹²⁴⁸ *Upper Nile Times*, "South Sudan rebel leader Machar and six others Charged for treason", 28 January 2014, <http://upperniletimes.net/details/628> (accessed: 7 February 2014).

¹²⁴⁹ Interview with a former county commissioner, Juba, 9 October 2013.

¹²⁵⁰ Nyok, Ability Chol, "The Telar's Saga: Democracy In The Making?", *Gurtong*, 14 August 2013, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/12504/Default.aspx> (accessed: 19 August 2013).

¹²⁵¹ Interview with a South Sudanese lawyer and activist, 25 October 2013.

¹²⁵² *Sudan Tribune*, "Kiir threatens to dissolve parliament unless it supports Wani Igga's appointment", 24 August 2013, <http://www.sudantribune.com/spip.php?article47776> (accessed: 9 February 2014).

¹²⁵³ Nyaba (2011), p. 175.

¹²⁵⁴ Amnesty International. *South Sudan: Civil Unrest and State Repression. Human rights violations in Wau, Western Bahr el Ghazal state*. London: Amnesty International Publications, February 2013, p. 6.

¹²⁵⁵ *Sudan Tribune*, "Warrap Governor suspends workers' trade union", 28 April 2013, <http://www.sudantribune.com/spip.php?article46397> (accessed: 29 April 2013).

¹²⁵⁶ *Sudan Tribune*, "Warrap parliament writes to governor over constitutional violation", 12 November 2013, <http://www.sudantribune.com/spip.php?article48780> (accessed: 9 February 2014).

‘Not Free’ and ranked the country’s level of political rights as a 6 on a scale of 1 (best) to 7 (worst)¹²⁵⁷. Contributing to this disappointing ranking was the state of freedom of speech in the country which will be the next feature of democracy in South Sudan to be put under the microscope.

6.2.2.4. *Civil society, freedom of speech & the press*

The aspect of statebuilding that concentrates on building a relationship between state and society and thus popular legitimacy, has been largely neglected by donors and SPLM alike. Civil society engagement is very limited and restricted to service delivery and generally does not fulfil the watchdog function of controlling government and ensuring good governance¹²⁵⁸. “There seems to be disagreement within SPLM over the extent to which an autonomous civil society should be promoted”¹²⁵⁹. Still there are signs of an emerging and politically active civil society. Prior to the CPA already, Marina Peter highlighted how the SPLM’s attempts to establish a civil administration in liberated territories were less the result of decisions taken by the party leadership but came about in response to bottom-up pressures by some individual members, churches and local NGOs¹²⁶⁰.

The head of a civil society organization which derives most of its funding from foreign donors said in an interview that the government increasingly responded to its reports and briefings and even contracted them for studies which civil servants were unable to produce¹²⁶¹. At the same time, criticism of decisions and acts by the government, for instance the arrest of journalists, is very outspoken¹²⁶². An indirect testament to the increasing relevance of civil society organisations in the eyes of the executive is also the fact that civil society activists are being targeted. Deng Athuai Mawiir, chairperson of the South Sudan Civil Society Alliance, was abducted and abused by members of the security services¹²⁶³ and the official advisor on gender and human rights matters in Lakes State was beaten up by members of the security services¹²⁶⁴. Largely overlooked during the fighting that ensued after the alleged coup attempt in December 2013, in January 2014 the South Sudan Human Rights Society for Advocacy (SSHURSA) received severe threats, shut down its operations and most of its staff fled the country out of fear for their lives¹²⁶⁵.

¹²⁵⁷ Freedom House. *South Sudan*. Freedom in the World 2013, available at: http://www.freedomhouse.org/report/freedom-world/2013/south-sudan#.UvfYR_6PLcs (accessed: 9 February 2014).

¹²⁵⁸ Haslie and Borchgrevink (2007), p. 35.

¹²⁵⁹ Ibid, p. 26.

¹²⁶⁰ Peter, Marina. *Sudan*. Berlin and Bonn: Deutscher Entwicklungsdienst and Friedrich-Ebert-Stiftung, Conflict Analysis, June 2004, p. 12.

¹²⁶¹ Interview in Juba, 22 October 2013.

¹²⁶² *South Sudan News Agency*, “SSHURSA condemns detention of journalists, urges the deputy minister of Interior to stop intimidating the media and resign”, 12 May 2013, <http://www.southsudannewsagency.com/news/press-releases/sshursa-condemns-detention-of-journalists> (accessed: 13 May 2013).

¹²⁶³ *Frontline Defenders*, “South Sudan: Kidnapping and violent assault of human rights defender and anti-corruption activist, Mr Deng Athuai Mawiir”, 13 July 2012, <http://www.frontlinedefenders.org/node/18958> (accessed: 6 February 2014).

¹²⁶⁴ *Sudan Tribune*, “Lakes: government adviser on human rights beaten by security in house raid”, 2 April 2014, <http://sudantribune.com/spip.php?article50518> (accessed: 3 April 2014).

¹²⁶⁵ *Gurtong*, “South Sudan Human Rights Closes Office in the Country”, 22 January 2014, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/14706/Default.aspx> (accessed: 17 February 2014).

Media in South Sudan are in a very interesting position. Due to the lack of communication infrastructure and the staggering rate of illiteracy, the reach of different forms of media varies enormously. The primary source of information for most South Sudanese is radio (51%), followed by word of mouth (29%) and community meetings (9%), whereas internet and newspapers are each only the primary source of 1% of those interviewed¹²⁶⁶. This state of affairs, however, appears to be slowly changing as “access to information via the Internet is believed to be increasing, especially among younger people”¹²⁶⁷. Among South Sudan’s elite, the picture is already different: a majority gave local newspapers as their main source of information, the second most frequented medium was the internet and only then came local radio¹²⁶⁸.

On the one hand, there are online news-sites and fora that go relatively unchecked in their criticism of the government, yet only reach a tiny fraction of South Sudanese living in the country. Members of the press working inside South Sudan face other challenges. Firstly, capacity is low and equipment scarce, in particular outside of Juba. A 2009 assessment of media presence and quality across Southern Sudan found that “the overriding theme in the states was one of overwhelmed, underfunded, understaffed and underdeveloped/under-served media/information infrastructure in the midst of great needs”¹²⁶⁹. Reporting is also biased toward the governing party as one study for the post-referendum period found the SPLM receiving more than 90% of political coverage on Southern radio and TV channels¹²⁷⁰.

The SPLM’s 2nd National Convention in 2008 had itself complained of and called for an end to the clamp-down on press freedom¹²⁷¹. Nonetheless, harassment is rife in South Sudan and repressive habits from the war in the 1990s – characterized as “[f]or the press [...] the bleakest period in the history of the country”¹²⁷² – have yet to give way to a more liberal attitude towards the media. After initially ranking in the middle of the pack, in its second year South Sudan dropped to 124th in a global ranking of media freedom in 2013¹²⁷³. But already during the CPA period, the GoSS, lacking its own media legislation, had continued to apply restrictive Northern rules to intimidate, harass and imprison critical journalists¹²⁷⁴. In addition to targeting individual members of the press, entire broadcasting houses feel the brunt of state repression. In July 2013, the Good News Radio Station run by the Catholic Church was closed down by Lakes State’s Minister of Information and

¹²⁶⁶ International Republican Institute (2013), p. 70.

¹²⁶⁷ Noble, Kate and Morgan, Carol. *Country Case Study: South Sudan. Support to media where media freedoms and rights are constrained*. London: BBC Media Action, August 2012, p. 8.

¹²⁶⁸ World Bank (2013), p. 40.

¹²⁶⁹ Gachie, John with assistance from Mogga, Richard and Maika, Mac. *Mapping the Void: A state-by-state media assessment report on South Sudan and selected Northern states*. Nairobi: The Consortium on Promoting Freedom of Expression and Civil Society Involvement in Developing of Democratic Media Legislation in Sudan, August 2009, p. 66.

¹²⁷⁰ Sudan Media and Elections Consortium. *Southern Sudan referendum 2011: Monitoring of media coverage*. Copenhagen: International Media Support Group, June 2011, p. 40.

¹²⁷¹ SPLM. *SPLM 2nd National Convention*. Juba, May 2008, p. 4.

¹²⁷² Deckert, Roman, “The history of the Sudanese press: Background to conflict”, in Media in Cooperation and Transition (ed.) *The Sudanese press after separation – Contested identities of journalism*. Berlin: MICT, 2012, pp. 6-15, p. 13.

¹²⁷³ Reporters Without Borders. *World Press Freedom Index 2013*. Paris, 2013.

¹²⁷⁴ Human Rights Watch. *‘It’s an everyday battle’: Censorship and Harassment of Journalists and Human Rights Defenders in Sudan*. February 2009, p. 16.

Communications on the grounds that it had become politicized¹²⁷⁵. Further evidence of this uneven attitude to openness and public scrutiny is the decision in 2013 to reverse the practice of allowing journalists to attend cabinet meetings, standard practice since 2006, in the name of secrecy¹²⁷⁶.

One of the most influential members of the South Sudanese media told me that he had been summoned by the head of national security and told to be more careful in what he published, especially as relates to corruption and anything regarding the president and his family. Another journalist, working for a South Sudanese media house which is funded by foreign donors, admitted that tacit self-censorship is the norm as journalists understand which topics to stay away from with official corruption at the top of the list¹²⁷⁷. An editor-in-chief also expected a more heavy-handed approach by the state in the run-up to the next general election in 2015, in particular more severe restrictions on press freedom and direct interference with editorial decisions¹²⁷⁸. A first indication of this heavy-handedness came shortly after the alleged coup attempt in December 2013 when the Minister for Information and Broadcasting, Michael Makuei Lueth, criticized reporters for not sticking to the government's version of events and added: "I don't want you to give this misleading information this is unprofessional. From now onwards we will be very strict, this is for your information"¹²⁷⁹. In April 2014, *Citizen TV*, the country's sole private television channel, ceased operations because of insecurity¹²⁸⁰. As the founder of Gurtong, Jacob Akol, told the Committee to Protect Journalists in 2011 on the matter of government officials: "They all come from a military background. They have no experience in democracy. It's not that you can just say, 'Ah, now we are democratic.'"¹²⁸¹

6.2.3. The illegitimate State in South Sudan – at a glance

A South Sudanese diplomat told me that the world should appreciate how far South Sudan had come in the last nine years but an honest assessment cannot fail to uncover both successes and disappointments. South Sudan complies very closely with the standard type of the non-performing state in that coverage of the state's territory is far from complete, with access to state-run justice and social services decreasing and soon thereafter ceasing to exist the further away you move from the capital and from the state capitals (where there is less to begin with).

In many of these white spots where the state's arm does not reach and the citizens themselves cannot reach the state, anarchy and lack of social bonds is not the lived experience of most South

¹²⁷⁵ *South Sudan News Agency*, "SSHURSA Condemns Shutdown of Good News Radio; Calls on National Government to Reverse the Lakes State's Government Decision", 1 July 2013, <http://www.southsudannewsagency.com/news/press-releases/sshursa-condemns-shutdown-of-good-news-radio> (accessed: 2 July 2013).

¹²⁷⁶ *Sudan Tribune*, "South Sudan cabinet denies official media access to its meetings", 18 August 2013, <http://www.sudantribune.com/spip.php?article47701> (accessed: 19 August 2013).

¹²⁷⁷ Interview with a South Sudanese journalist working for an international media house, Juba, 24 October 2013.

¹²⁷⁸ Interview in Juba, 23 October 2013.

¹²⁷⁹ *Sam Lukudu*, "IGAD Delegation Meets President Kiir ... Makuei Warns Journalist Against Reporting 'Misleading Information'", 20 December 2013, <http://samlukudu.blogspot.de/2013/12/igad-delegation-meets-president-kiir.html> (accessed: 10 February 2014).

¹²⁸⁰ Wudu, Waakhe Simon, "South Sudan's Only Private TV Closes Down", *Gurtong*, 8 April 2014, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/15136/Default.aspx> (accessed: 8 April 2014).

¹²⁸¹ Rhodes, Tom, "South Sudan's struggle for a free press", *Committee to Protect Journalists*, 8 September 2011, <http://cpj.org/blog/2011/09/south-sudans-struggle-for-a-free-press.php> (accessed: 12 September 2011).

Sudanese. Akin to what transpired in the assessment of security provision, the state's place is taken by an array of alternative providers of justice and services, chief among them traditional authorities. As such, an individual's level of access to services and type of response depends largely on the whim of his or her whereabouts rather than a universal state-wide standard. Among other things, this means that the South Sudanese state does not abide by its expressed wish to ensure equal human rights and equal services to its citizenry, which holds especially true for South Sudanese women.

But even where the state is present, the quality of services – be they educational, health-related, juridical – is generally low with some highly qualified and motivated individuals overwhelmed by cohorts of scarcely trained, ill-equipped and varyingly motivated staff that lack a firm civic ethos. Low and irregular salaries are a major impediment to high-quality service delivery across the country. When it comes to the budget and the pay scale, the South Sudanese state sets the wrong incentives if its goal is to improve services: men and women with arms receive most of the budget whereas those without often do not even receive their small allowance in timely fashion or, sometimes, at all.

The status quo in service delivery in South Sudan would not be possible without the at least implicit complicity of the international community, whose handling of development and peacebuilding efforts help sustain the South Sudanese government's present course. Stepping in to fund the state, however, is to tacitly accede and effectively embolden governments in the region and beyond to pursue a strategy of "successful state failure"¹²⁸², i.e. ridding themselves of the costs and administrative burden of providing social services by permanently outsourcing them to NGOs and international donors. As concerns the state edifice in South Sudan, it is still unclear whether the GoSS will eventually pursue the model of a service-delivery state (including shouldering the huge costs that would entail) or continue to outsource and regulate service-delivery by contractors and NGOs¹²⁸³.

Democratization has occurred at the ballot box but not in deeds. Elections alone are unlikely to further unity or cooperation in South Sudan as the electoral system is predicated on majoritarian decision-making on the British model which severely limits opportunities for minorities to partake in decision-making. Similar to Sudan and not unlike many other African post-colonial states, elections in South Sudan are also motivated by a perceived need on the part of the ruling clique to please and appease its foreign backers from the West. The appeal to rebel factions to seek redress through elections while fighting was still ongoing should also be understood as an attempt to win over international opinion to the government's side. Striking in this regard is that the SPLM's breakaway faction consistently justifies its take-up of arms with president Kiir's undemocratic conduct inside the party and with the defence of "personal liberty, freedom and the rights of individuals to express themselves"¹²⁸⁴. At the same time, democratic elections have not brought stability to the country and democratic norms clearly do not govern political behaviour. The SPLM has harassed the opposition in spite of its own dominance of the political space and the spectre of national elections in 2015 triggered the strife inside the SPLM in 2013 that eventually led to the civil war after December 2013¹²⁸⁵.

¹²⁸² Weber, Annette (2008), p. 17.

¹²⁸³ Bennett et al. (2010), p. 145.

¹²⁸⁴ Gurtong, "Interview With Ex-VP Wife Angelina Teny", 8 March 2014, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/15036/Default.aspx> (accessed: 19 March 2014).

¹²⁸⁵ International Crisis Group. *South Sudan: A Civil War by Any Other Name*. Africa Report No. 217, 10 April 2014, p. 3.

While the failure to develop peaceful, accountable and equitable state-society relations is widely recognized and decried (not least by the army of international experts), no solution has so far been proffered that goes beyond the mantra of 'it takes time to build trust' and exhortations to the government to stop misbehaving¹²⁸⁶. Critically, the SPLM/GoSS does not practice the ruthless form of politics of survival that can be encountered in some African states where the government deliberately cripples the state structure so as to deny potential challengers any leverage. Since the SPLM counts on ruling for another 100 years, there is no urgency to fear outside challengers as all energies are devoted to the fight for control of the party and thus the fight against inner-party opponents. At the same time, however, given all these trials and tribulations, the party's long-term coherence even beyond the signing of the peace treaty is truly remarkable.

¹²⁸⁶ To name but one of these types of reports, see the recent study: Almquist Knopf, Kate. *Fragility and State-Society Relations in South Sudan*. Washington, D.C.: Africa Center for Strategic Studies, Research Paper, September 2013.

6.3. The privatized neopatrimonial state in South Sudan

The African state does not only suffer from a lack of legitimacy and a lack of services it provides. It is also (as shown in Ch. 4.1.3) said to be the object of capture by state and government elites that privatize and misuse state revenue and state resources for private gain and to sustain neo-patrimonial networks of dependents that help in sustaining the ruling elite. The problem of state privatization often stems from an abundance of raw materials that are squandered for the benefit of a small coterie while leaving the rest of the economy neglected, hamstrung and underdeveloped. South Sudan, in spite of its youth, has not been spared either phenomenon. This chapter, therefore, will address the question to what extent the South Sudanese state has been privatized and its state coffers used for the enrichment of its leadership as well the creation and maintenance of clientelist support structures in the country.

Hence, the first section in 6.3.1 is devoted to an assessment of the state's privatization and the prevalence of corruption, focusing in particular on the relevance of resource-based problems like the oil curse and land grabs on the state's standing as a gatekeeper between the national and the international spheres. Section 6.3.2 will then try to discern to what extent patronage and neo-patrimonialism are apt descriptions of the workings of the South Sudanese state.

6.3.1. The privatized state in South Sudan: resource economy & the gatekeeper state

The presence of and extreme budgetary reliance on 6.3.1.1 exports from oil fields in South Sudan additionally complicate the issue as incentives for state capture and misuse of oil income are even greater than in resource-poor countries. As pointed out in 6.3.1.2, land grabbing by the state elite to the detriment of local communities is another means by which national resources are privatized, as is 6.3.1.3 outright theft and organized crime. What all these cases have in common is that the state structure or select individuals near the levers of power abuse their status as the link to the world of international capital and commerce for private gain.

6.3.1.1. *Oil & the resource curse*

Since definite discoveries by Chevron in 1977, oil has been a driver of conflict and a source of violence and displacement in Sudan. Hassan al-Turabi's ouster and the NCP's shift to a more pragmatic (compared to the early-and-mid-1990s) governance system based on a mixture of patronage and autocracy not by accident coincides with the start of oil exports through the Port Sudan pipeline in 1999, made possible by joint ventures between the national petroleum company Sudapet and Chinese, Indian and Malaysian companies¹²⁸⁷. A certain vicious circle of violence emerged from oil exploration: the revenue generated from the oil fields enabled Khartoum to purchase weapons – frequently from China, the main importer of Sudanese oil – which the government would then use to protect the oilfields and attack Southern rebels¹²⁸⁸. During the war, various Southern factions (Paulino Matiep, Riek Machar, mainstream SPLA, etc.) and their respective backers (Khartoum, foreign oil companies¹²⁸⁹) fought for control over the oil fields¹²⁹⁰ and in

¹²⁸⁷ Anderson and (2011), p. 372.

¹²⁸⁸ Coalition for International Justice. *Soil and Oil: Dirty Business in Sudan*. Washington, February 2006, p. 24.

¹²⁸⁹ European Coalition on Oil in Sudan. *Unpaid Debt: The Legacy of Lundin, Petronas and OMV in Sudan, 1997-2003*. Utrecht, June 2010.

¹²⁹⁰ Human Rights Watch (2003).

Northern Upper Nile and other places large amounts of people were forced off the land and permanently displaced to clear the land for drilling¹²⁹¹.

The post-war CPA and independence periods are characterized by a different set of oil-related misgivings inside South Sudan¹²⁹² – at least until the 2014 civil war engulfed the oil-producing areas, especially Bentiu in Unity State¹²⁹³. Today, “governments in Khartoum and Juba alike rely heavily on oil revenues that derive primarily from the border lands”¹²⁹⁴ and many donors are aware of the danger that oil revenues may preclude an integrative approach to politics in South Sudan and instead lead to a winner-takes-all mentality akin to other resource-based economies like Nigeria¹²⁹⁵. Mining of other mineral resources may become more relevant in the future but apart from a minor gold rush in Toposa territory¹²⁹⁶ oil reigns supreme even after investor-friendly mining legislation was passed in 2012¹²⁹⁷. However, given that most oil fields are mature, i.e. appear to have passed peak production, output and hence revenue will decline steeply in only a few years’ time unless new finds come on stream soon¹²⁹⁸.

Official government policy is to use oil revenue (habitually estimated to contribute 98% to the national budget) to diversify the economy and allow for the modernization of agriculture and rural development in an effort to ‘bring the towns to the people in the countryside’¹²⁹⁹. The problem, however, is that the reality on the ground is marked by “glaring examples of fiscal mismanagement and corruption [that] have fed resentment among local populations as unprecedented amounts of oil revenue flow into GOSS coffers”¹³⁰⁰. A 2007 assessment of what the political economy of oil has brought to Sudan is still largely accurate for the contemporary South: “additional pressures for expenditure (some of which may be conditioned by capacity and other constraints), rent-seeking behavior, and reduced pressure to undertake key fiscal reforms that will ensure medium- and long-term stability irrespective of the course of oil production and prices”¹³⁰¹. There is also a legacy of murky and shadowy oil deals negotiated and signed by different members of the SPLM at different

¹²⁹¹ Gore, Paul Wani, “The Oil and Its Influence on the Demographic, Economic and Commercial Processes: The Case of Northern Upper Nile in Southern Sudan”, in Wohlmuth, Karl and Urban, Tino (eds.) *Reconstructing Economic Governance after Conflict in Resource-rich African Countries*. Berlin: Lit Verlag, 2007, pp. 171-180, p. 175.

¹²⁹² Oil extraction in South Sudan is organized by production sharing agreements between companies and the government. The GoSS presently still lacks the expertise to properly and independently oversee the oil industry and thus ensure that extractive companies are held accountable. Shankleman, Jil. *Oil and State Building in South Sudan: New Country, Old Industry*. Washington: United States Institute of Peace, Special Report No. 282, July 2011, p. 9.

¹²⁹³ *Sudan Tribune*, “Rebels claim killing hundreds including top army general in Bentiu”, 16 April 2014, <http://sudantribune.com/spip.php?article50673> (accessed: 16 April 2014).

¹²⁹⁴ International Crisis Group (2010), p. 1.

¹²⁹⁵ Bennett et al. (2010), p. 38.

¹²⁹⁶ Holland, Hereward, “Gold fever sweeps South Sudan ahead of new mining law”, *Reuters*, 9 November 2012, <http://www.reuters.com/article/2012/11/09/sudan-south-gold-idUSL5E8M5DP220121109> (accessed: 19 August 2013); Bosco, Ijoo, “South Sudan: E.Equatoria Prepares for Gold Mining Exploration”, *Sudan Tribune*, 30 March 2014, <http://allafrica.com/stories/201403310810.html> (accessed: 31 March 2014).

¹²⁹⁷ Adam Smith International, “South Sudan: mining act passed but nation too must benefit”, *Guardian*, no date, <http://www.theguardian.com/global-development-professionals-network/adam-smith-international-partner-zone/south-sudan-mining-act-adam-smith-international> (accessed: 19 August 2013).

¹²⁹⁸ Shankleman (2011), p. 11.

¹²⁹⁹ SPLM. *The SPLM Manifesto*. May 2008, p. 21.

¹³⁰⁰ Patey, Luke, “Crude Days Ahead? Oil and the resource curse in Sudan”, *African Affairs*, Vol. 109, No. 437, 2010, pp. 617–636, p. 628.

¹³⁰¹ World Bank. *Sudan Public Expenditure Review: Synthesis Report*. Washington DC, December 2007, p. 10.

times of the war and post-war period¹³⁰². The one undeniable good oil revenue has done in South Sudan is to allow for the relatively smooth integration of various militias into the SPLA¹³⁰³ – even if it leaves a legacy of a fiscally unsustainably large army.

Control over the oil pipeline is therefore the principal source of pressure Khartoum can exert over South Sudan because a reduction of the amount of oil transmitted through the North is unsustainable. A sustained cut-off would lead to the breakdown of networks of patronage and corruption at the heart of the GoSS and SPLM¹³⁰⁴; a situation that was nearing breaking point when Sudan and South Sudan signed the September 2012 Addis Ababa Accords to resolve the oil issue. The stand-off between the two Sudans had been long in the making as already in 2009 there were warnings that the suspected underreporting of oil revenues by the Khartoum government was undermining the little trust there was to begin with¹³⁰⁵. Critically, far from being a show of strength on the part of the Juba government, the fall-out from the January 2012 cut-off may in the mid-term increase South Sudan's dependence on foreign powers. For one, South Sudan depends on the re-import of refined oil from the North as there are presently no refineries in the South (two refineries are currently being built¹³⁰⁶) but three in the North¹³⁰⁷.

From Karl Wohlmuth's perspective, "the stop of oil production in January 2012 leads also to a new round of external indebtedness of South Sudan in relation to new actors (like China and Qatar) by mortgaging untapped oil resources for aid"¹³⁰⁸. This alleged mortgaging of the future is only made possible by a not very subtle change to the country's legislation governing the oil sector. Global Witness, a monitoring organization, had drawn up eight recommendations to the GoSS to ensure transparent use of the country's oil wealth, including full public disclosure and wide dissemination of oil sector data, independent monitoring with participation of civil society, a transparent petroleum fund, transparent allocation of oil contracts and implementation of the Extractive Industries Transparency Initiative¹³⁰⁹.

With hindsight, none of these goals have been met. South Sudan's original petroleum bill contained a provision that prohibited any borrowing against future oil revenues in order to ensure a continuous revenue stream. Said clause was scrapped in early 2012 in the very different environment following the oil shutdown and oil is now increasingly being used as collateral for loans¹³¹⁰. In connection with these loans, Global Witness warns of the dangers of using future oil revenues to secure loans to fund

¹³⁰² Patey (2010), pp. 630-31.

¹³⁰³ Dziadosz, Alexander, "Special Report: South Sudan's Chinese oil puzzle", *Reuters*, 14 November 2012, <http://www.reuters.com/article/2012/11/14/us-southsudan-chinese-oil-idUSBRE8AD0B520121114> (accessed: 19 August 2013).

¹³⁰⁴ Marchal (2011), p. 79.

¹³⁰⁵ Global Witness. *Fuelling Mistrust: The Need for Transparency in Sudan's Oil Industry*. London, September 2009, p. 5.

¹³⁰⁶ Ngor, Mading, "South Sudan's New Refineries to Bring Fuel Independence Closer", *Bloomberg*, 31 October 2013, <http://www.bloomberg.com/news/2013-10-31/south-sudan-s-new-refineries-to-bring-fuel-independence-closer.html> (accessed: 1 November 2013).

¹³⁰⁷ Augé, Benjamin, "L'enjeu pétrolier dans un Soudan éclaté", *Politique Africaine*, No. 122, June 2011, pp. 85-99, p. 95.

¹³⁰⁸ Wohlmuth (2012), p. 5.

¹³⁰⁹ Wilkins, Dana. *Affirming Accountability: Transparency and Independent Verification in South Sudan's New Petroleum Law*. London: Global Witness, May 2011.

¹³¹⁰ International Crisis Group (2012), p. 10.

the everyday workings of the government as the high volatility on global resource markets risks plunging the budget and thus the government into crisis at any point in time while also raising the likelihood of “a disastrous cycle of debt”¹³¹¹. Lending against future oil revenue is also in direct contravention to the Future Generation Fund established by South Sudan’s Transitional Constitution whose objective is to retain funds for the mid- to long-term¹³¹² and which only allows withdrawals for major long-term projects, e.g. investments in infrastructure.

6.3.1.2. Taxation & non-oil state revenue

The budgetary uncertainty induced by near-absolute dependence on the oil price and donor money is abetted by the fact that the division of Sudan’s substantial external debts (over 40 billion USD) between the two successor states has not been addressed and constitutes a stumbling block both to relations between the two Sudans and to South Sudan’s ability to access international credit markets¹³¹³. Additionally, revenues from oil and donors create a strong disincentive to resort to the never-popular step of taxing the population¹³¹⁴. Extreme reliance on oil revenue to fund the budget has numerous knock-on effects. In the classical ‘Dutch disease’ scenario, oil exports lead to currency appreciation which in turn makes the rest of the economy less competitive on the regional and global marketplace (see Ch. 4.1.3.1). While in South Sudan there is certainly some potential for similar trends to develop in the future, given the country’s current lack of any export industries and, in fact, any manufacturing sector to speak of, the issue here is more on the fiscal side. Tax collection has been highly irregular for decades as SPLA troops relied on an incoherent and contingency-driven approach to collect duties, often in goods and livestock rather than money, whereas unpaid officials used a vague right of taxation for the purpose of personal enrichment¹³¹⁵.

For a whole range of reasons tax collection has remained very irregular and patchy in the CPA and independence eras and only contributes a fraction to the budget compared to oil and donor inflow. Tax revenue is thus still far from sufficient to sustain the national budget let alone finance the country’s vast development needs. To begin with, personal taxation is a 10% flat rate tax that only starts from a monthly income above 300 SDG¹³¹⁶. More importantly, the lack of training for tax revenue staff, the lack of a computerized system and a general lack of oversight enable an environment of collusion between taxpayer and tax collector – typically in a one-on-one connection – to bargain for a reduction in rates in exchange for some form of benefit to the official¹³¹⁷. South Sudan also lacks badly in trained tax and customs officials, which is critical since the majority of state

¹³¹¹ Global Witness. *Blueprint for Prosperity: How South Sudan’s new laws hold the key to a transparent and accountable oil sector*. London, 29 November 2012, p. 20.

¹³¹² *The Transitional Constitution of the Republic of South Sudan, 2011*, Ch. 4, §176 (3).

¹³¹³ Leo, Benjamin. *Sudan Debt Dynamics: Status Quo, Southern Secession, Debt Division, and Oil – A Financial Framework for the Future*. Washington: Center for Global Development, Working Paper No. 233, December 2010.

¹³¹⁴ Benson, Matthew, “Making tax work in South Sudan”, *African Arguments*, 14 November 2011, <http://africanarguments.org/2011/11/14/making-tax-work-in-south-sudan-by-matthew-benson/> (accessed: 21 September 2012).

¹³¹⁵ Blunt (2003), p. 134.

¹³¹⁶ *The Personal Income Tax Act, 2007*. Acts Supplement to *The Southern Sudan Gazette*, No. 1, Vol. I, 10 February, 2009.

¹³¹⁷ Gebre selassie, Zebru. *Non-oil Revenue Study: Southern Sudan*. Study for the Ministry of Finance and Economic Planning of the Government of Southern Sudan, October 2009, pp. 74-5.

revenue will be generated from import duties (including a general sales tax)¹³¹⁸. A World Bank survey also found massive under-reporting and under-counting of businesses:

In Yei River County against an official record of 1921 shops the survey revealed around 3500 shops and 2000 stalls. In Rumbek East against the official estimate of 40 shops the survey revealed around 200 shops and 500 stalls. In Juba trading licenses have been issued to less than 200 shops. The market survey in just two markets in Juba (Munuki and Gudele) revealed around 1800 shops and 3000 stalls.¹³¹⁹

Political will to change the status quo also appeared to be missing for much of the period under investigation as political decision-makers are very reluctant to pursue a stringent tax regime and thereby risk a drop in popularity¹³²⁰, although a marked shift in attitudes has been felt after the oil cut-off in 2012 and the subsequent austerity budget. The UNDP in 2012 wrote that over the course of two years, tax collection had more than doubled across all ten states of South Sudan¹³²¹ and the GoSS in 2013 claimed that tax collection had again more than doubled in 2012/13 compared to the previous financial year¹³²². Likewise, the new finance minister after the cabinet reshuffle in August 2013 promised to increase non-oil revenue by almost 30% in the span of 100 days¹³²³ but any gains have in all likelihood been undone by the civil war in 2014.

6.3.1.3. *Land grabs & land sales*

The only resource other than oil that South Sudan has in abundance is arable land. In Sudan, the 1970 Unregistered Land Act enabled the state to massively expand mechanized farming as part of the infamously unsuccessful 'bread-basket strategy' which enriched private investors while expropriating pastoralists¹³²⁴. The 1990 Investment Act had the similar consequence of dislodging communities from their settlements and forcing migration to the urban centres¹³²⁵. In the South, contrary to the Northern Islamist government's concept of land belonging to God (and by extension the state), land is traditionally a community resource and land rights are communitarian in so far as local communities *de jure* own much of the available land¹³²⁶. The GoSS acknowledges traditional communal land rights both in the Interim Constitution of 2005 and in the Land Act of 2009, which, in Alden Wily's estimation, borrowed substantially from revised land legislation in Uganda (1998) and

¹³¹⁸ OECD (2011), p. 32.

¹³¹⁹ World Bank. *Southern Sudan - Enabling the state: estimating the non oil revenue potential of state and local governments*. Washington D.C., June 2010, p. x.

¹³²⁰ Benson, Matthew, "Making tax work in South Sudan", *African Arguments*, 14 November 2011, <http://africanarguments.org/2011/11/14/making-tax-work-in-south-sudan-by-matthew-benson/> (accessed: 21 September 2012).

¹³²¹ UNDP, "South Sudan one year after independence: Increasing non-oil revenues", 6 July 2012, <http://www.undp.org/content/undp/en/home/presscenter/articles/2012/07/06/south-sudan-one-year-after-independence-increasing-non-oil-revenues/> (accessed: 20 February 2013).

¹³²² Wudu, Waakhe Simon, "35% increase: Minister presents annual budget to South Sudan's parliament", *The Niles*, 5 July 2013, <http://www.theniles.org/articles/?id=1924> (accessed: 21 August 2013).

¹³²³ *Sudan Tribune*, "New S. Sudan finance minister vows to raise 90m SSP in 100 days", 9 August 2013, <http://www.sudantribune.com/spip.php?article47604> (accessed: 27 February 2014).

¹³²⁴ Komey, Gunda Kunda. *Land, Governance, Conflict and the Nuba of Sudan*. Oxford: James Currey, 2010.

¹³²⁵ Ayoub, Mona, "Land and conflict in Sudan", in Simmons, Mark and Dixon, Peter (eds.) *Peace by piece: Addressing Sudan's conflicts*. London: ACCORD Conciliation Resources, Issue 18, 2006, pp. 14-15.

¹³²⁶ *Ibid.*

Tanzania (1999)¹³²⁷. In spite of legal recognition, however, there is intrinsic conflict between communal land ownership favoured by rural populations and traditional authorities and private ownership of land advocated by the GoSS, local government and some development practitioners¹³²⁸.

The GoSS itself is not overly content with the present Land Act, which it treats as a provisional document, because the government is extremely keen to invite foreign investors into the country, above all into the agricultural sector which has been identified as the best hope to diversify the economy and by extension the state's revenue stream. But a major obstacle to convince investors – apart from the volatile security situation – has been insecurity of land rights¹³²⁹. A high-ranking official involved in drafting what is supposed to become the new Land Act pointed out that the fact that land *belongs* to communities does not mean that they are free to do what they want with it: “If you don't use it [the land], then the government can appropriate the land and lease it to foreign investors”¹³³⁰. His proposal is to give the national government authority over public land and to carry out zoning in order to define how the various parts of the land ought to be used.

At the same time, the almost complete lack of institutional capacity at community, county and even state level as well as the fact that many South Sudanese are not fully aware of their rights could lead to abuses of the system. First of all, as ownership is based on customary law and tradition, most land has not yet been officially registered. There is also the problem of enforcement of ownership rights. In a case that is more the rule than the exception, armed herders refused to return land they had seized from farmers by threatening the county commissioner with the cattle-owner's name, a high-ranking SPLA commander¹³³¹. Furthermore, while the law states that local communities have to be consulted and compensated when land is sold to external investors, in practice, government officials in collusion with investors and, possibly, traditional authorities, should not find it difficult “to ride roughshod over local rights”¹³³². An investment scheme by a Norwegian company that plans to plant trees in Tindilo payam in Central Equatoria as part of a carbon credit scheme was, for instance, hampered by the lack of communication between the local community and those handling the development from the South Sudanese side who all resided in Juba¹³³³.

That is exactly what the Oakland Institute purported to have uncovered when David Deng in 2011 analysed all the publicly available contracts that involved the sale or long-term lease of land to foreign investors¹³³⁴. According to the report's findings, in the country's short lifespan South Sudan

¹³²⁷ Alden Wily, Liz. *Making Peace Impossible? Failure to Honour the Land Obligations of the Comprehensive Peace Agreement in Central Sudan*. Resource Paper, September 2010, p. 17.

¹³²⁸ Shanmugaratnam, Nadarajah. *Post-War Development and the Land Question in South Sudan*. Paper presented at International Symposium on Resources under Stress, Afrasian Centre for Peace and Development: Kyoto, Japan, February 2008; Forojalla, Sibrino Barnaba and Galla, Kennedy Crispo, “Scoping Paper”, in USAID. *Land tenure issues in Southern Sudan: Key findings and recommendations for Southern Sudan land policy*. December 2010, pp. A1-A25, p. A5.

¹³²⁹ Peace Security and Development Network. *Public Private Cooperation in Fragile States. Country report: Southern Sudan*. The Hague: September 2009, pp. 13-14.

¹³³⁰ Interview in Juba, 18 October 2013.

¹³³¹ Ashkenazi et al. (2008), p. 21.

¹³³² Alden Wily (2010), p. 18.

¹³³³ Deng, David K. *'Land belongs to the community': Demystifying the 'global land grab' in Southern Sudan*. The Hague: Land Deal Politics Initiative, Working Paper No. 4, February 2013, pp. 14-16.

¹³³⁴ Legally, land can only be leased not sold to foreigners; the maximum period of lease is 99 years.

had already managed to sell or lease around 8% of its territory, an area equivalent to the size of the entire country of Rwanda¹³³⁵. And there is anecdotal evidence of large-scale land sales by individuals like the son of the late militia leader Paulino Matiep¹³³⁶ who, as mentioned above, played a key part in displacing residents from oil fields. While it is unclear whether the large-scale agricultural investments are undertaken with the genuine eye on development or as speculative holdings that count on rising property values, what is clear is the South Sudanese government's lack of capacity to oversee these investments, which may trigger domestic conflict in the mid- to long-term¹³³⁷. Land is generally very cheap and has frequently changed hands based on cash payments, meanwhile "[t]he key people in large-scale land sales or leases are state governors, to whom the GOSS has delegated land issues at this stage of political development"¹³³⁸ and there is plentiful evidence that "military units occupy land illegally, and uniformed personnel engage in illegal extraction activities"¹³³⁹.

But scepticism abounds with regard to these claims¹³⁴⁰. Hardly any of the deals mentioned in the study have had any repercussions on the territories allegedly leased or sold and several contracts are said to have been declared null and void¹³⁴¹. To some extent, the publicity brought by David Deng's report has alerted affected communities which have staged protests that included the threat to use violence against any would-be investor if he or she were to try to take possession of their purchase. Pearce mentions the case of two investors, British and American, that in 2008 signed a 49-year lease for 600,000 hectares of land in Central Equatoria only to find out that the chiefs with whom they had negotiated did not have authority to lease the land and later denied involvement altogether as public anger mounted against the contract¹³⁴². Finally, a much clearer shift away from communal land ownership is the new law that regulates oil exploration. The Petroleum Act 2012 grants the government the right to expropriate land and sell it to investors if doing so serves an unspecified public interest¹³⁴³. The same holds true for the contemporaneously signed Mining Act that retroactively restricts the legal ownership rights set out in the Land Act¹³⁴⁴.

¹³³⁵ The Oakland Institute. *Understanding land investment deals in Africa. Country Report: South Sudan*. Oakland: November 2011, p. 3.

¹³³⁶ Blas, Javier and Wallis, William, "US investor buys Sudanese warlord's land", *Financial Times*, 9 January 2009, <http://www.ft.com/intl/cms/s/0/a4cbe81e-de84-11dd-9464-000077b07658.html#axzz2yCfxPCnX> (accessed: 7 April 2014).

¹³³⁷ Mosley, Jason. *Peace, Bread and Land: Agricultural Investments in Ethiopia and the Sudans*. London: Chatham House Briefing Paper, January 2012, p. 18.

¹³³⁸ Keulertz, Martin. *Drivers and actors in large-scale farmland acquisitions in Sudan*. Land Deal Politics Initiative, Working Paper No. 10, August 2012, p. 8.

¹³³⁹ Ashkenazi et al. (2008), p. 17.

¹³⁴⁰ I would like to thank Andreas Hirblinger from Cambridge University for alerting me to these doubts at the ECAS conference in Lisbon in June 2013.

¹³⁴¹ Interview with an official involved in regulating land holdings in South Sudan, Juba, 18 October 2013; interview with a member of the South Sudan Law Society, Juba, 24 October 2013.

¹³⁴² Pearce, Fred. *The Land Grabbers: The New Fight over Who Owns the Earth*. London: Eden Project Books, 2012, pp. 44-46.

¹³⁴³ Grawert, Elke and Andrä, Christine. *Oil Investment and Conflict in Upper Nile State, South Sudan*. Bonn International Centre for Conversion (BICC) brief No. 48, May 2013, p. 49.

¹³⁴⁴ Deng, David K.; Mertenskoetter, Paul and van der Vondervoort, Luuk. *Establishing a Mining Sector in Postwar South Sudan*. Washington, D.C.: United States Institute of Peace, Special Report No. 330, April 2013, p. 9.

6.3.1.4. Theft, illicit trade, organized crime – the criminalized state

There is also another perspective on the privatization of state goods and resources. In the words of a South Sudanese civil society activist: “This is not corruption what is happening. It is simply theft. They are stealing and should go to court for that”¹³⁴⁵. The absence of the state (see 6.2.1 The non-performing state) and the way society has gotten used to the presence of arms and the use of violence have bred an environment in which stealing and expropriation by force are if not encouraged then at least not actively impeded. For instance, instead of international conglomerates arguably the greater threat to unlawfully seize land from communities are powerful individuals and indeed the state itself that are able to impose their will with the help of brute force regardless of legal status. As Alex de Waal wrote of the still-united Sudan in 2007: “The privatisation of security in rural Sudan means that local administrators, chiefs and army officers serve both as servants of the state, and individuals who can pursue private material interests through the use of violence”¹³⁴⁶. And even the national Minister of Finance, Aggrey Tisa Sabuni, admitted that a key reason why in 2014 numerous illegal roadblocks remained in place and money was being divested from the state into other people’s pockets was that “certain individuals are more powerful than [sic] the state”¹³⁴⁷.

In the absence of effective oversight, the criminalization of the security forces is unlikely to be halted, let alone reversed. Security forces have, for instance, been found complicit with the illicit transport and distribution of arms¹³⁴⁸. Anne Walraet describes how in Budi County – an area that has been continuously administered by the SPLM/A since 1985 – soldiers were not being paid and therefore resorted to looting, buying at gunpoint for unfairly low prices and also took over the lucrative local tobacco trade¹³⁴⁹. Another area where theft is widespread is the timber trade. During the war, the SPLA sold teak from plantations in Equatoria to finance the war effort¹³⁵⁰. The lack of care and widespread illegal logging has, however, severely degraded the plantations which require substantial investments before timber can become a ‘cash crop’ for South Sudan. In 2013, the Equatoria Teak Company started exporting timber to the U.S.¹³⁵¹ but there are serious concerns that the price paid for the concession is far below market value¹³⁵².

As money was flowing in from oil revenues and foreign donors after the founding of the Government of South Sudan, the period 2006-08 was arguably a high-point of visible corruption during which officials flaunted their wealth before becoming slightly more subdued but no less effective in the

¹³⁴⁵ Interview in Juba, 22 October 2013.

¹³⁴⁶ de Waal, Alex. *Sudan: What kind of state? What kind of crisis?*. London: LSE Crisis Research Centre, Occasional Paper No. 2, 2007, pp. 16-17.

¹³⁴⁷ *Radio Tamazuj*, “South Sudan VP acknowledges massive corruption in collection of non-oil revenues”, 6 June 2014, <https://radiotamazuj.org/en/article/south-sudan-vp-acknowledges-massive-corruption-collection-non-oil-revenues> (accessed: 6 June 2014).

¹³⁴⁸ Antwi-Boateng and O’Mahony (2008), p. 160.

¹³⁴⁹ Walraet (2008), p. 56.

¹³⁵⁰ Deng, David K. *The New Frontier: A baseline study of large-scale land-based investment in Southern Sudan*. Oslo: Norwegian People’s Aid – Solidarity in Action, Report No. 1, March 2011, p. 29.

¹³⁵¹ *The National*, “Hardwood to help South Sudan wean itself from oil dependence”, 14 February 2013, <http://www.thenational.ae/business/economy/hardwood-to-help-south-sudan-wean-itself-from-oil-dependence> (accessed: 16 August 2013).

¹³⁵² Verjee, Aly, “Is all well in the teak forests of South Sudan?”, *African Arguments*, 14 March 2013, <http://africanarguments.org/2013/03/14/is-all-well-in-the-teak-forests-of-south-sudan-by-aly-verjee/> (accessed: 7 April 2014).

years thereafter¹³⁵³. Contrary to repeated pledges to donors and the public, the GoSS continues to maintain off-budget accounts whose contents and the purposes for which they are used cannot be checked or controlled¹³⁵⁴. Government contracts that are awarded without a competitive bidding procedure are apparently responsible for the largest corruption-related hole in the state's coffers¹³⁵⁵. The National Advocacy Group, a Juba-based think-tank, deemed the Ministry of Commerce, Industry and Investment the country's most corrupt institution; involved among other things in a foreign currency exchange scam¹³⁵⁶.

Nyaba for his part believes the SPLA to "be the worst in terms of opaque deals and outright squandering of public resources"¹³⁵⁷ as several army generals are known to own companies abroad¹³⁵⁸. The demobilization process, to give a fitting example, is marred by a lack of effective oversight as it is often the official on the spot that decides who will undergo DDR measures, which opens the door to corruption¹³⁵⁹. Oyai Deng, at the time the SPLA's chief of staff, actually corroborated these allegations in private conversations with U.S. officials as he accused two of his deputies of corruption¹³⁶⁰. In another case, the former governor of Northern Bahr al-Ghazal and current army chief Paul Malong allegedly privately cashed in the revenues of a market called Warawar going back to 1993¹³⁶¹. Not coincidentally, the budget for the Ministry of SPLA and Veteran Affairs is the only one that states only total expenditure but does not show in itemized form what the budget is spent on¹³⁶².

Three high-profile examples of official corruption from the CPA period are the near-bankruptcy of the Nile Commercial Bank, South Sudan's most well-known and at one point largest bank, the Dura Scam and the over-priced purchase of vehicles which involved the Minister of Finance. Founded during the war in 2002, the Nile Commercial Bank defaulted in 2009 (only to reopen two years later). Although nobody was arrested or found guilty, the bankruptcy has been widely blamed on the failure of

¹³⁵³ Ylönen, Aleks, "Limits of 'Peace through Statebuilding' in Southern Sudan: Challenges to State Legitimacy, Governance and Economic Development during the Comprehensive Peace Agreement Implementation, 2005-2011", *Journal of Conflictology*, Vol. 3, No. 2, 2012, pp. 28-40, p. 34.

¹³⁵⁴ Mbaku, John Mukum and Smith, Jessica Elaine, "The Anti-Corruption Agenda: Using Public Financial Management to Build Credible Institutions", in *South Sudan One Year After Independence: Opportunities and Obstacles for Africa's Newest Country*. Washington: Africa Growth Initiative at Brookings, June 2012, pp. 19-22, p. 21.

¹³⁵⁵ International Crisis Group. *Politics and Transition* (2011), p. 14.

¹³⁵⁶ National Advocacy Group, "Ministry of Commerce, Industry and Investment: The most corrupt Government Institution in South Sudan", 11 August 2013, <http://paanluelwel2011.wordpress.com/2013/08/11/ministry-of-commerce-industry-and-investment-the-most-corrupt-government-institution-in-south-sudan/> (accessed: 19 August 2013).

¹³⁵⁷ Nyaba (2011), p. 132.

¹³⁵⁸ Panchol, Ayuen, "Democratize South Sudan: Tear Down the SPLM, Please", *South Sudan News Agency*, 10 August 2012, <http://www.southsudannewsagency.com/opinion/editorials/democratize-south-sudan-tear-down-the-splm-please> (accessed: 20 February 2014).

¹³⁵⁹ Rowe and Banal (2009), p. 20.

¹³⁶⁰ American Embassy Khartoum, "SUDAN: SPLA CHIEF OF STAFF SAYS HE MIGHT BE REPLACED", 25 March 2007, <http://wikileaks.org/cable/2007/03/07KHARTOUM470.html> (accessed: 20 February 2014).

¹³⁶¹ *Sudan Tribune*, "N. Bahr el Ghazal politicians lobby president over gubernatorial successor", 26 March 2014, <http://www.sudantribune.com/spip.php?article50435> (accessed: 24 April 2014).

¹³⁶² World Bank. *Public Finance Management Assessment: South Sudan. Based on the Public Expenditure Financial Accountability Framework (PEFA)*. Washington, D.C.: Report No. 78288-SS, 31 May 2012, pp. 35-36.

government officials to repay large loans that they had taken out from the bank¹³⁶³. The Dura Saga, on the other hand, was a scam surrounding the state's attempt in 2008 to buy grain for approximately 1 million USD to be sold domestically at lower prices but the grain was in fact never delivered¹³⁶⁴. By 2013, nobody had been charged or persecuted¹³⁶⁵, proving that political forces in the SPLM have no qualms and face little obstacles to override financial controls to make extra-budgetary expenditures. The third well-publicized case has the most prominent culprit, the GoSS Minister of Finance Arthur Akuen Chol, who along with members of his ministry defrauded the public purse by buying several hundred vehicles at prices far above the market rate and cashed in the difference¹³⁶⁶. Presently, the former foreign minister and current chief negotiator with the rebels, Nhial Deng Nhial, stands accused of an almost identical scheme while at the Ministry of Defence between 2008-2011, which involved the purchase of overpriced trucks, many of which never arrived, in addition to an "old and useless Air Defense System rusting in Uganda"¹³⁶⁷.

In addition to hearsay, word on the street and rumours about the origins of luxury goods and ostentatious wealth, President Salva Kiir himself provided more concrete evidence of official corruption. In May 2012, Kiir went on the offensive by publicly calling on more than 75 unnamed public officials to return the 4 billion USD he alleged they had looted from the state's coffers in the period since 2005¹³⁶⁸ – an incredible sum in a country whose annual budget does not surpass 10 billion USD. Little wonder then that in 2013, the first year South Sudan was included, the country ranked 173rd in Transparency International's Corruption Perceptions Index, ahead only of Sudan, Afghanistan, North Korea and Somalia¹³⁶⁹.

6.3.2. The neopatrimonial state in South Sudan

Neopatrimonialism has a long tradition in Sudan. The Islamist regime in the North has been repeatedly accused to have shed all ideological pretensions and to only seek to remain in power by way of blatant clientelism and corruption¹³⁷⁰. Other than the costs of fighting rebellions in Darfur, Southern Kordofan and Blue Nile, the rump-state of Sudan spends most of its resources on sustaining a comprehensive patronage network¹³⁷¹. As shown above, autonomous and independent South

¹³⁶³ *Sudan Tribune*, "Nile Commercial Bank continues to refund customers as it reopens", 13 November 2011, <http://www.sudantribune.com/spip.php?article40714> (accessed: 1 March 2013).

¹³⁶⁴ USAID (2009), p. 15.

¹³⁶⁵ Rwakaringi, Mugume Davis, "South Sudan to Probe 'Dura Saga' Grain Swindle", *Voice of America*, 15 May 2013, <http://www.voanews.com/content/south-sudan-probe-sorghum-dura-saga-corruption/1661994.html> (accessed: 14 August 2013).

¹³⁶⁶ Oloro, Vahid, "South Sudan Minister Arrested Over Fraud", *East African Business Week*, 26 March 2007, <http://pachodo.org/latest-news-articles/pachodo-english-articles/239-corruption-in-south-sudan> (accessed: 20 February 2014).

¹³⁶⁷ Nyol, J. Nguen, "Another \$227 Million Dollars Scandal Involving South Sudan's Chief Negotiator Nhial Deng Nhial and Elder Son of the South Sudan Central Bank Governor", *South Sudan News Agency*, 12 June 2014, <http://www.southsudannewsagency.com/opinion/editorials/millions-dollars-scandal-involving-nhial-deng-nhial> (accessed: 14 June 2014).

¹³⁶⁸ Ferrie, Jared, "South Sudan president seeks return of \$4 billion he says was spirited away", *CNN*, 4 June 2012, <http://edition.cnn.com/2012/06/04/world/africa/south-sudan-corruption> (accessed: 14 August 2013).

¹³⁶⁹ Transparency International. *Corruption Perceptions Index 2013*. Available at: <http://www.transparency.de/Tabellarisches-Ranking.2400.0.html> (accessed: 8 April 2014).

¹³⁷⁰ Verhoeven, Harry, "The logic of war and peace in Sudan", *Journal of Modern African Studies*, Vol. 49, No. 4, 2011, pp. 671-684, p. 680.

¹³⁷¹ Linke, Kristin and Dähne, Florian. *Arabischer Frühling in Khartoum? Soziale Proteste im Zentrum. Bewaffnete Aufstände in der Peripherie*. Berlin: Friedrich-Ebert-Stiftung, July 2012, p. 2.

Sudan is equally afflicted by various forms of privatization of national wealth. This section, then, is going to assess whether or not neopatrimonialism as a concept accurately describes the forms of governance that can be witnessed in the country. Starting in 6.3.2.1 with an investigation of the form and function of patronage networks in South Sudan, we will then in 6.3.2.2 turn to examples of political corruption before ending in 6.3.2.3 with popular perceptions of patronage and corruption and the government's attempts to address the issue.

6.3.2.1. *Patronage networks: the political economy of paternalism in South Sudan*

Clientelism, patronage and corruption already plagued the political system of Southern Sudan during the abortive period of limited self-rule in the aftermath of the Addis Ababa Accords. Terje Tvedt gives a classic account of the state of governance during these times:

The political and administrative elite possessed an unusual degree of autonomy in relation to the processes in the Southern agricultural and pastoral society. Financially and politically the elite depended, however, upon support from Khartoum, and the state therefore also became an object to be controlled for the purpose of supporting clients.¹³⁷²

In Peter Nyaba's perspective, the corruption of the SPLM as a party and institution goes back to behaviour that became ingrained during the liberation struggle and effectively started in the Itang refugee camp in Ethiopia¹³⁷³. As the Naivasha peace negotiations were drawing to a close, Claire Metelits claimed that "[p]atrimonialism, a form of the traditional mode, has been an integral part of the postcolonial political order in the south, where a small group of closely knit ethnic Dinka commanders surround Garang and dominate the upper echelons of the movement"¹³⁷⁴.

In contemporary South Sudan, networks of patronage and vertical relationships of dependence continue to play an important part in structuring the system of governance, albeit in an informal manner that is prone to instability and sudden changes. The country's public sector is characterized by "high levels of patronage, corruption and fund misallocation"¹³⁷⁵ and opportunities in life for individual South Sudanese continue to be tied to identity and membership in patronage networks¹³⁷⁶. Resource allocation is frequently based on patronage. A particularly striking issue is the large number of ghost workers that receive salaries as not only the police service mentioned above is affected. "While GOSS budget figures for 2008 suggest there is a notional civil service level of 23,938 people, payroll figures indicate that GOSS pays salaries to 66,525 workers"¹³⁷⁷. In Jort Hemmer's words: "The embryonic institutions of South Sudan's state have developed into fully fledged instruments of patronage. Scores of political positions were given in reward or created for those in need of accommodation and co-optation"¹³⁷⁸.

¹³⁷² Tvedt, Terje, "The collapse of the state in Southern Sudan after the Addis Ababa Agreement: a study of internal causes and the role of the NGOs", in Harir, Sharif and Tvedt, Terje (eds.) *Short-Cut to Decay: the case of the Sudan*. Uppsala: Nordiska Afrikainstitutet, 1994, pp. 69–104, p. 70.

¹³⁷³ Nyaba (2011), pp. 124–125.

¹³⁷⁴ Metelits, Claire, "Reformed Rebels? Democratization, Global Norms, and the Sudan People's Liberation Army", *Africa Today*, Vol. 51, No. 1, 2004, pp. 65–82, p. 76.

¹³⁷⁵ USAID (2009), p. 18.

¹³⁷⁶ Barltrop (2012), p. 13.

¹³⁷⁷ USAID (2009), p. 19.

¹³⁷⁸ Hemmer, Jort. *South Sudan's emergency state*. NOREF Report, September 2012, p. 3.

The result has been a bloated and ineffective administration and a tendency to centralize decision-making in the hands of the GoSS. A senior government official admitted that as the excuse of blaming the North has disappeared with independence, “nepotism [has become] a common senior official response to the government’s expanded authority and responsibility”¹³⁷⁹. While that is obviously a corrupt and inefficient system of allocating resources in a modern state, in a situation where state institutions are largely absent or non-functioning, patronage may provide a level of trust and security that would otherwise be unavailable¹³⁸⁰. Reliance on ethnic networks in South Sudan is a function of the lack of inter-personal trust on a wider societal scale (as shown in the preceding chapter 6.2 on the illegitimate state). Thus, Leach actually blames the lack of a firm southern national identity for the decay of the South into ethnic patronage networks in the post-1972 period¹³⁸¹. Even so, the trust and security created by such a system of patronage is only available to the select few while excluding all those citizens that are not part of the patron-client relationship.

Typically, a key factor in the evolution of a patronage system is the predominance of a single actor. And as of today, the state of South Sudan is dominated by the military elites (SPLA and others) that fought in the civil war. The military is also a good indication of the *neopatrimonial* nature of the governance system as it combines official with unofficial channels for influence and enrichment. Schomerus and Titeca characterize the emerging South Sudanese state in accordance as follows:

The central state draws on existing military structures in which military men search out new ways to retain their now-official powerful positions. Individual actors in the military state structure, however, also use this power to sidestep the very state structures that are empowering them for personal gain.¹³⁸²

Coming from a variety of social and ethnic backgrounds, most of the SPLA leaders which make up the de facto Southern elite only reached their current standing and influence *because of* the war against the North¹³⁸³. Yet, when comparing them to the elites of Northern Sudan, Southern elites lag behind in both political and economic weight¹³⁸⁴. Their relative lack of wealth compared to the heavyweights in Sudan can mean one of two things: either, these elites are even more eager to enrich themselves as quickly as possible to make up for their deficit and (in their own eyes) to be justly reimbursed for the war effort; or, the awareness that the unified struggle of all South Sudanese was born from the common lot of deprivation and poverty, could lead them to forgo excessive enrichment.

Yet, any generalizing statements about tendencies of the elite have to be tampered and uttered with great caution for the SPLM’s leading cadres are anything but a homogenous and monolithic group. Construing South Sudan as a one-party state is a misconception because the ex-soldiers now at the helm of the government primarily seek enrichment for themselves and their associates. Instead of shelling out large sums to sustain a pyramid of dependents, much of the money squandered by government officials goes directly into family members’ consumption and (foreign) accounts: “South

¹³⁷⁹ Sommers and Schwartz (2011), p. 3.

¹³⁸⁰ Bennett et al. (2010), p. 145.

¹³⁸¹ Leach, Justin D. *War and Politics in Sudan: Cultural Identities and the Challenges of the Peace Process*. New York: I.B. Tauris, 2012, pp. 36-7.

¹³⁸² Schomerus and Titeca (2012), pp. 11-12.

¹³⁸³ Biel, Melha Rout, “The Role of African & Arab Elite in Building a New Sudan”, in Grawert, Elke (ed.) *After the Comprehensive Peace Agreement in Sudan*. Woodbridge / New York: Boydell & Brewer / James Currey, 2010, pp. 29-50, p. 37.

¹³⁸⁴ Ibid, p. 40.

Sudan's state has become the private property of its dominant political class, putting the business of governance and the benefits it generates well beyond the reach of the vast majority of citizens"¹³⁸⁵.

Moreover, the SPLM "elite is strongly fragmented and marked by competing clientelist networks structured largely along ethnic and tribal lines"¹³⁸⁶. And Edward Thomas believes that the SPLM government in Juba – in contrast to the diatribes against 'tribalism' directed at its own populace – actually approves of migrants that organize along ethnic lines because these clubs or groups constitute "malleable partners who can strike political deals on behalf of ethnic constituencies"¹³⁸⁷ and are therefore also more easily co-opted and governed. Hence, the SPLM should be seen as "a forum for competing individuals and groups interested primarily in control of the resources and clientelist structures that come with posts in the state apparatus"¹³⁸⁸. Although the opposition and other critics frequently claim that the SPLM and the government only cater to the needs of one ethnic group, the Dinka, the reality of clientelist politics is different in South Sudan than for instance in neighbouring Kenya where ethnic identities and party affiliation are much more aligned.

In the post-war and post-liberation setting of South Sudan both politicians and the people they govern and represent do not exercise their respective roles mediated through state institutions. Influential politicians on the national scene generally derive their authority from direct contacts to a specific group of people that, as a rule, live close to each other in what is often the politician's home town or county. In exchange for their support there is the implicit and often also explicit expectation that he or she will provide privileged access to jobs, privileges and other benefits to his or her people – the strongly denounced yet widely practiced spectre of 'tribalism'. Accordingly, expectations of politicians tend to be skewed in a way that is more akin to representing particular parochial interests rather than speaking for and representing the entire South Sudanese people or nation.

Demands for equal representation of ethnic groups in positions of power, which mark the popular counterpoint to the louder public appeals against tribalism, are thus motivated by the wish to have 'one of our own' near the levers of power. Interest representation in this system follows the imperial model of sending a delegation to the capital in order to be heard. When people flock to Juba or – less often – the state capitals with a particular objective or grievance, they generally seek to address a member originating from their home region or at least from the same ethnic group, irrespective of whether he or she is in charge of the subject matter. Hence, if the issue at hand is, say, the construction of a hospital in the county, then the delegation will generally first address *their* politician rather than the Ministry of Health.

6.3.2.2. *"If you swallow something that belongs to the people, we will force you to vomit it out"*¹³⁸⁹ - *Popular perceptions of corruption and the state's response*

Large parts of the population (including soldiers) see corruption as a major problem because resources fail to reach the ones they were meant for¹³⁹⁰. Nepotism is also a major source of

¹³⁸⁵ Hemmer (2012), p. 4.

¹³⁸⁶ Lacher, Wolfram. *South Sudan: International State-Building and its Limits*. Berlin: SWP Research Paper, No. 4, February 2012, p. 15.

¹³⁸⁷ Thomas. *The Kafia Kingi Enclave* (2010), p. 140.

¹³⁸⁸ Lacher (2012), p. 17.

¹³⁸⁹ A 2007 quote from Salva Kiir that headlines the current Southern Sudan Anti-Corruption Strategy. Southern Sudan Anti-Corruption Commission. *Southern Sudan Anti-Corruption Strategy, 2010 – 2014: Towards A Corruption-Free Southern Sudan*. Rumbek, September 2009, p. 3.

frustration among the mass of young unemployed: almost everybody seeks a white-collar government job but access to these jobs depends on membership in the correct tribe¹³⁹¹. The South Sudanese government as a whole is widely perceived as corrupt, exploitative and non-performing¹³⁹². Crisis Group in a review of the six-year CPA era cited corruption and nepotism on all levels of government as common complaints¹³⁹³ and according to an IRI poll from 2013, for nearly half of respondents (48%) corruption was the main reason for dissatisfaction with the SPLM's performance¹³⁹⁴. In a survey from 2007 by the official Southern Sudan Anti-Corruption Commission, 89% of respondents saw corruption as an important issue of concern (with 67% saying it has increased since the CPA) with the splendour and opulence of officials' lifestyles and the concomitant lack of even basic services for the majority of the population serving as glaring evidence¹³⁹⁵. Martin and Sluga's in-depth study of Yei River County buttresses these claims as citizens roundly criticized Council members and the County Commissioner of working primarily for their own personal economic interests¹³⁹⁶.

There is a general sense that corruption and nepotism are negatively affecting the country, and lead to a lack of development (the view of 64% of respondents in an official survey) and a decrease in Southern Sudanese patriotism, brotherhood and a recourse to 'tribe', community and family for access to services and public jobs¹³⁹⁷. More than half of those interviewed (54%) had already personally encountered instances of corruption but only a fourth of them (26%) reported such cases to the authorities¹³⁹⁸. In the border area with Uganda, for example, locals increasingly perceive the SPLM/A as creaming off profits from border trade and acting solely in its own interest in an attempt "to claim ownership of South Sudan's peace, including its benefits"¹³⁹⁹. These impressions are backed up by a 2011 survey in which participants saw "both abuse of government funds and tribalism in government employment as corruption. The belief that it is impossible to win government appointment unless you know someone in an office leaves many feeling disenfranchised"¹⁴⁰⁰.

As the SPLM has fought for decades against the South's (and other regions') marginalization, it cannot from its ideological standpoint accede to corruption and ethnic patronage. This along with the need to appeal to foreign donors that contribute a third of the budget explains the outspoken rhetorical stance the party takes against corruption¹⁴⁰¹. Corruption is also one of the main points of attack for opposition politicians like Lam Akol, leader of the SPLM-DC, and thus a threat to the

¹³⁹⁰ Brosché (2009), p. 43.

¹³⁹¹ Sommers and Schwartz (2011), p. 9.

¹³⁹² McEvoy and LeBrun (2010), p. 18.

¹³⁹³ International Crisis Group. *Politics and Transition* (2011), p. 2.

¹³⁹⁴ International Republican Institute (2013), p. 60.

¹³⁹⁵ Southern Sudan Anti-Corruption Commission. *Perception Survey on Corruption*. Juba, December 2007, pp. 36-7.

¹³⁹⁶ Martin, Ellen and Sluga, Nina. *Sanctuary in the city? Urban displacement and vulnerability in Yei, South Sudan*. London: Humanitarian Policy Group Working Paper, Overseas Development Institute, December 2011, p. 23.

¹³⁹⁷ Southern Sudan Anti-Corruption Commission (2007), p. 50, 31.

¹³⁹⁸ Ibid, p. 41.

¹³⁹⁹ Schomerus and Titeca (2012), p. 23.

¹⁴⁰⁰ Cook (2011), p. 10.

¹⁴⁰¹ World Bank. *Sudan: Strengthening Good Governance for Development Outcomes in Southern Sudan: Issues and Options*. Washington D.C.: Public Sector Reform and Capacity Building Unit Africa Region, Report No. 48997-SD, April 2010, p. 98.

SPLM's continued dominance¹⁴⁰². Foreign donors are also increasingly losing patience. The EU, for instance, condemned corruption as one of the major obstacles for the new state and deemed fighting corruption a number one priority for the GoSS¹⁴⁰³. Hence, it is not without reason that the 2008 SPLM Manifesto declared that "[t]he fight against corruption constitutes one of the key pillars of good governance; hence it shall be waged with ever increasing rigor"¹⁴⁰⁴. Correspondingly, the GoSS growth strategy for 2010-12 mentioned corruption in the public and the private sector as one of the prime impediments to a better economic performance¹⁴⁰⁵ and tax collection was taken out of the hand of the states and centralized with the express purpose of curbing corruption¹⁴⁰⁶.

The issue of corruption and patronage is additionally charged with political importance because President Kiir has spent considerable political capital in repeatedly presenting himself as the nation's foremost fighter against the curse of corruption; first and foremost by publicly denouncing the theft of 4 billion USD. Contrary to the intended outcome, however, Salva Kiir increasingly risks ridicule for the lack of progress and the fact that only a fraction of the funds were recovered¹⁴⁰⁷. To make matters worse, a large sum of cash was stolen from his personal treasury in his office in March 2013¹⁴⁰⁸. A number of fairly high profile officeholders have in fact been arrested based on allegations of corruption and graft (as well as some businessmen from the private sector¹⁴⁰⁹) but political power games appear the more probable explanation for these arrests¹⁴¹⁰.

The South Sudan Anti-Corruption Commission, whose task it is to research, prevent and educate people about corruption, build capacity to fight corruption and prosecute those found to be guilty of corruption¹⁴¹¹ has not tried a single official since it was founded in 2006¹⁴¹² and nobody has been held accountable for any of the numerous scandals from the CPA period and beyond¹⁴¹³. Members of the Central Equatoria Anti-Corruption Commission told me that they were on the verge of bringing a first group of officials to trial but that they lacked even basic equipment and could only act as long as

¹⁴⁰² HSBA (2011), p. 1.

¹⁴⁰³ Wudu, Waakhe Simon, "EU Toughens Funding Measures On South Sudan", *Gurtong*, 23 July 2011, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/5484/EU-Toughens-Funding-Measures-On-South-Sudan.aspx> (accessed: 14 August 2013).

¹⁴⁰⁴ SPLM. *The SPLM Manifesto*. 2008, p. 19.

¹⁴⁰⁵ Government of Southern Sudan. *GOSS Growth Strategy 2010-2012*. Juba, January 2010, pp. 15-16.

¹⁴⁰⁶ Wudu, Waakhe Simon, "Centralized Collections Were To Curb Corruption – Machar", *Gurtong*, 30 November 2012, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/8607/Centralized-Collections-Were-To-Curb-Corruption--Machar.aspx> (accessed: 9 April 2014).

¹⁴⁰⁷ Abraham, Isaiah, "Kiir Anti-Corruption War's Nothing But Blooper", *Gurtong*, 21 September 2011, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/5756/Kiir-Anti-Corruption-Wars-Nothing-But-Blooper.aspx> (accessed: 14 August 2013).

¹⁴⁰⁸ *Sudan Tribune*, "Millions in cash money stolen from President Kiir's office in Juba", 27 March 2013, <http://sudantribune.com/spip.php?article45984> (accessed: 27 March 2013).

¹⁴⁰⁹ *Sudan Tribune*, "Payii roads and bridges boss arrested over misuse of Juba-Kajoikeji road funds", 31 May 2013, <http://www.sudantribune.com/spip.php?article46775> (accessed: 8 April 2014).

¹⁴¹⁰ *Sudan Tribune*, "SPLM Secretary General Amum says Kiir's suspension of ministers was politically motivated", 7 July 2013, <http://www.sudantribune.com/spip.php?article> (accessed: 8 July 2013).

¹⁴¹¹ Southern Sudan Anti-Corruption Commission (2009), pp. 27-29, 35-37.

¹⁴¹² *Sudan Tribune*, "South Sudan's anti corruption commission denies plot against predecessor", 28 May 2012, <http://www.sudantribune.com/spip.php?article42739> (accessed: 13 February 2014).

¹⁴¹³ Amos, Machel, "South Sudan's dizzying corruption merry-go-round", *Africa Review*, 21 May 2013, <http://www.africareview.com/Blogs/South-Sudans-corruption-merry-go-round/-/979192/1858488/-/anx5b8/-/index.htm> (accessed: 22 May 2013).

the state governor backed them¹⁴¹⁴. Apparently, the Central Equatoria branch was the only state-level anti-corruption commission which was operational whereas the staff of the nine other nominally existing state commissions resided in Juba as they lacked the funds and protection necessary to do their jobs in the states¹⁴¹⁵.

Lack of capacity, incompetence and the absence of political will are certainly the overriding reasons for the negligible progress made in terms of fighting corruption in South Sudan. The government also does not appear too keen on protecting members of civil society that actively rail against corruption: in 2012, Deng Athai Mawiir, head of South Sudan's Civil Society Alliance was kidnapped, tortured and questioned over his public activism against corruption before being able to escape¹⁴¹⁶. Reporting on official corruption is therefore a dangerous proposition and can have near-ruinous consequences for journalists and newspapers that go through with it. A radio journalist explained that when they had been researching for a show on police corruption, it was impossible to get any member of the police or the public to talk on record, even when granted anonymity¹⁴¹⁷. Tom Rhodes from the CPJ presents a case in which two South Sudanese newspapers (*Al Masir* and *The Citizen*) were ordered to pay the equivalent of 30,000€ to the SPLM's then-Secretary General Pagan Amum for publishing allegations that he had embezzled 30 million USD¹⁴¹⁸. Considering the low turnover and revenue-stream, such fines are close to a death knell for newspapers in the country and send an unmistakable message to local media about the dangers of meddling in politicians' affairs.

One of the understandable reasons Juba is reluctant to clamp down on the rampant corruption is that the government is very wary of further destabilizing the already fragile security situation¹⁴¹⁹. A sudden implosion of the pyramids of economic dependence might have a devastating impact on the internal security situation and is thus, much like a reduction of the number and pay of soldiers, something the GoSS duly seeks to avoid. An incident in March 2014 highlights the dangers of messing with soldiers' pay. During the introduction of a new payment scheme which requires soldiers to pick up their salaries in person (a means to combat virtual 'ghost soldiers'), a minor miscommunication led to a shooting with many fatalities¹⁴²⁰. But ghost employees can also be employed in the service of good governance. In a very illuminating example, inside the government structure corruption is in some cases actually used to combat and circumvent the system's own corruption and inefficiency that is driven by some "[p]olitically strong' agencies demanding and receiving more than their budget ceiling"¹⁴²¹. In Juba I was told that one of the ministries charged with social service delivery

¹⁴¹⁴ Interview in Juba, 22 October 2013.

¹⁴¹⁵ In spite of their close connection to the governor, the preliminary building that houses the Central Equatoria branch had been attacked and shot at in two separate incidents.

¹⁴¹⁶ *Frontline Defenders*, "South Sudan: Kidnapping and violent assault of human rights defender and anti-corruption activist, Mr Deng Athai Mawiir", 13 July 2012, <http://www.frontlinedefenders.org/node/18958> (accessed: 6 February 2014).

¹⁴¹⁷ Interview in Juba, 24 October 2013.

¹⁴¹⁸ Rhodes, Tom, "Corruption a no-go zone for South Sudan's journalists", *Committee to Protect Journalists*, 28 March 2012, <http://cpj.org/blog/2012/03/corruption-a-no-go-zone-for-south-sudans-journalis.php> (accessed: 28 October 2012).

¹⁴¹⁹ Lacher (2012), p. 22.

¹⁴²⁰ *Radio Tamazuj*, "Soldiers missing from payroll open fire on officers at SPLA headquarters", 5 March 2014, <https://radiotamazuj.org/en/article/soldiers-missing-payroll-open-fire-officers-spla-headquarters> (accessed: 3 April 2014).

¹⁴²¹ World Bank (2012), p. 30.

had a large number of fake employees on the books¹⁴²². Apparently, this was done by design so that the ghost employees' salaries would make up for the fact that the Ministry of Finance regularly paid out less than the sum allotted by the budget.

6.3.3. The privatized neopatrimonial state in South Sudan – at a glance

The main source of enrichment throughout the post-2005 period has been the revenue the state receives from oil exports. In the light of the direct dependence on oil for the sustenance of its rule, South Sudan is on the way to becoming a gate-keeper state in which the ruling clique uses its key position as interlocutor between the international arena and global markets on the one hand and the domestic economy on the other as a means to get rich quickly. On the heels of the temporary stop to this source of income due to conflict with Sudan, some focus has shifted to the potential rents of land ownership. Conflict over land grabs by politicians, members of the army and international investors has arguably become one of the most contentious issues inside South Sudan today.

Corruption is also an issue very much on people's mind in South Sudan and a sore spot that cuts to the heart of many South Sudanese's disenchantment with the liberation army. Lack of state services is that much harder to bear when the representatives of the same state parade their 'privatized' wealth through the country's towns and villages. Corruption on all levels of interaction with the state, from having to bribe the traffic police to getting an import license from the Ministry of Commerce, has become institutionalized to the point that it is widely perceived as an inevitable part of life. The already weak official state institutions and the rational-legal bureaucratic system are thereby further undermined in the eyes of citizens that observe the political leadership routinely neglecting, sidelining and discarding these very institutions and structures in favour of informal dealings routed in patronage, nepotism and personal favours. In addition to dismantling the connection between citizen and the state, private entrepreneurial initiative is discouraged as business acumen is a far less certain avenue to profits than close personal ties to the political class.

Given the country's ethnic diversity and the common perception that membership in certain ethnic groups grants privileged access to goods, jobs and privileges, ethnic identity is one key factor in accessing and acceding to a patronage network. The second factor is longstanding membership in the SPLM or proximity to high-ranking party members and it is this second component that makes South Sudan neopatrimonial because patronage is exerted both through and parallel to state institutions that are themselves difficult to distinguish from organs of the SPLM party structure.

Neopatrimonialism is however arguably not the most accurate approximation to the form of state privatization witnessed in the country. Instead, the best way to conceive of South Sudan's neopatrimonial pyramid is as a substantial number of pyramids or nets of different sizes that each covers a certain region, town or ethnic group or clan. The size of the network and the amounts that are dispersed throughout the network are a reflection of the political clout possessed by the individual politician at the top of the pyramid. At the same time, the politician's political clout is also a reflection of and conditional upon the size and strength of the local network of backers he or she can muster.

¹⁴²² Conversation with an international development worker, Juba, 8 October 2013.

6.4. The swollen centralized state in South Sudan

The tension between proponents of centralized government control in an effort to unite and develop the nation-state and those in support of more localized accountable and representative administrative structures has been a constant feature of African post-colonial states almost since independence (see Ch. 4.1.4). The issue of centralized authority versus federalism and devolution is also of particular interest with regard to this analysis of South Sudan's statebuilding and nationbuilding efforts because it is situated at the cross-roads of both phenomena. While on the one hand being part of the construction of the state structure and the administrative edifice, decentralization and regionalism also touch on the core of national identity and the question to what extent sub-national loyalties and identities can conflict or coexist with a national identity tied to South Sudan as a whole. On the level of practical governance and state-society interaction, the question of decentralization and devolution of authority also encompasses the thorny issue of the place of traditional authorities in the state structure and to what extent and how they can coexist with the official 'modern' state structure.

This chapter will therefore proceed from 6.4.1 a description and analysis of the conflicting realities of nominal political decentralization and actual centralization to two further aspects of decentralization that have at least equal bearing on the question of nationbuilding in South Sudan as they do on statebuilding: the first in 6.4.2 will be a discussion of federalism and regionalism, both historically and in the present, and its corrosive effects on national unity in the South; this will be followed in 6.4.3 by an investigation of local government and the role of traditional authorities in the national power structure.

6.4.1. Decentralization vs. Centralization in South Sudan

As outlined above, a typical feature of postcolonial African nation-states has been an often complicated and conflict-laden history of dealing with calls for decentralization of government. Where these calls have been heeded by national governments, more often than not nominal decentralization has not in reality meant the devolution of resources and decision-making power to the regional and local levels. On the contrary, reforms billed as decentralization have frequently had the inverse effect of strengthening central government control over the periphery. South Sudan appears to be no exception to this typified scenario. In order to highlight the South Sudanese experience with the centre-periphery problem, this section will begin by focusing in 6.4.1.1 on the history and present-day legal and practical steps at implementing decentralization in South Sudan. Subsequently, in 6.4.1.2 criticism of the principle of decentralization in South Sudan will be presented and followed in 6.4.1.3 by evidence of the de facto centralization of political authority in the country.

6.4.1.1. Decentralization in South Sudan

Given the fact that South Sudan has never existed as an independent state and that the region has spent much of its history in the last 200 years as the variously neglected and exploited periphery of larger political entities (Ottoman Egypt, the Anglo-Egyptian Sudan, Sudan), the call for decentralized governance has a long tradition. During the period of colonial rule, there was some reciprocal preference for limited localized autonomy as the British sought to rely on indirect rule for much of

Southern Sudan¹⁴²³ and were not interested in extending a centralized bureaucracy to the South¹⁴²⁴. After decolonization and Sudanization, however, Northern politicians did not keep their promise to install a federal system which would account for Southern concerns as “the centralisers held sway and have maintained themselves in power in Khartoum ever since”¹⁴²⁵. Khartoum is so dominant in the political, economic and cultural life of Sudan that the moniker “one-city state” has been used to describe the country¹⁴²⁶. Illustrating the absurdity of centralization in what was then the continent’s largest country, in the 1960s Juba had to order desks and office furniture from distant Khartoum although the wood used for the furniture was actually locally produced¹⁴²⁷. Therefore, as John Garang put it in 1989, the way to address the key evil of injustice in Sudan was to “have a decentralized form of rule, *whether these are federal states or autonomous*”¹⁴²⁸.

Southern Sudan had already been the subject of decentralization efforts during the Southern Regional Government interlude between 1972 and 1983. Moreover, during that same timeframe, Southern Sudan also experienced rivalries between different factions that aligned along regional lines, triggering an acrimonious debate over redivision (*kokora*) that eventually led to the split of the Southern Region into three sub-regions, which was one of the factors behind the ignition of war in 1983. After this rather unhappy experience with regional autonomy, the Comprehensive Peace Agreement in 2005 finally re-introduced the principle of decentralization which was later enshrined in the Interim Constitution of Southern Sudan¹⁴²⁹. Today, the independent state of South Sudan actually features ten states (eleven if you add Abyei) and the old debates have been refilled into new bottles. According to the Transitional Constitution, which has been the guiding document for the country since independence in July 2011, South Sudan is officially a republic that “shall have a decentralized system of government”¹⁴³⁰. The Constitution goes on to point out the three levels of government (national, state and local government) that should each not interfere in the respective areas of authority of the other two levels, and mentions several state organs – the police, the prison service, the wildlife service and the fire brigade – that are all to be run on a decentralized basis.

As with many other political terms, however, decentralized and decentralization mean very different things to different actors. Aeberli distinguishes between at least three different competing readings of decentralization in the South Sudanese context. The SPLM/A conceives of decentralization as a technical tool to facilitate governance and service delivery in local and outlying areas (Garang’s ‘bringing the town to the people’). South Sudanese communities conceive of it as community self-rule, a means to access state resources and a personalized local presence of the heretofore abstract state. And the international community in the form of UNDP, World Bank and donor agencies like

¹⁴²³ Daly (1991).

¹⁴²⁴ Wai (1980), p. 376.

¹⁴²⁵ Tripp, C. R. H., “Sudan: State and Elite”, *Journal of the International African Institute*, Vol. 67, No. 1, 1997, pp. 159-173, p. 166.

¹⁴²⁶ Cockett, Richard. *Sudan: Darfur and the Failure of an African State*. New Haven and London: Yale University Press, 2010.

¹⁴²⁷ Maddick, Henry. *Democracy, Decentralization and Development*. Bombay: Asia Publishing House, 1963, p. 36, cited in Rondinelli, Dennis A., “Administrative Decentralisation and Economic Development: the Sudan’s Experiment with Devolution”, *The Journal of Modern African Studies*, Vol. 19, No. 4, December 1981, pp. 595-624, p. 595.

¹⁴²⁸ Garang (1992), p. 203.

¹⁴²⁹ Government of Southern Sudan. *The Interim Constitution of Southern Sudan*. 2005, Chapter III: The Decentralized System of Governance.

¹⁴³⁰ *The Transitional Constitution of the Republic of South Sudan, 2011*, Chapter III, 47.

USAID see decentralization as a path to greater state effectiveness, which should make the state more Western and, by extension, more stable¹⁴³¹.

The present-day subdivision into – in descending order of size and authority – the five layers of the national level, the states, the counties, the *payam* (group of villages) and the *boma* (single village) was gradually installed after the SPLM's 1994 Chukudum Convention¹⁴³². But in fact, as part of its larger vision of New Sudan, the most recent SPLM Manifesto from 2008 still emphasized the need for devolution, federalism and decentralization. One of the goals of the New Sudan was thence:

A decentralized system of governance that would bring power closer to the people, and is characterized by popular participation, transparency, accountability, responsiveness, consensus-seeking orientation, fairness, effectiveness and abidance by the rule of law, so that the people of New Sudan are provided with the necessary conducive environment for accelerated socio-economic development and increased happiness.¹⁴³³

At the time, however, South Sudan had still been part of Sudan and the SPLM consequently keen on ensuring maximum autonomy in its realm, the autonomous decentralized region of Southern Sudan. A goal that is no longer equally high on the GoSS's list of priorities now that it heads an independent sovereign state. Yet, in South Sudan there is more to decentralization than mere slogans that wax and wane in popularity along with their degree of political expediency.

Decentralized governance has also had a long-standing and deeply ingrained tradition in the actual exercise of authority in many areas of the country. Community-based decision-making was typical for many ethnic groups, which did not know kings or other forms of central authority¹⁴³⁴. This principle of dispersed decentralized authority is exemplified by Wal Duany's characterization of power relations among the Nuer: "The traditional Nuer political system has no single recognized chief to run it and no exclusive judiciary to control it. Persons are divided among political units without any single administrative hierarchy of officials and without any single person to direct all of the common affairs of the society"¹⁴³⁵. A 2004 study of customary law in Southern Sudan juxtaposes hierarchical centralized systems of authority as can be found with some groups in the South like the Zande, Shilluk and Anuak to decentralized systems among the Dinka, Nuer, Bari and Fertit "where local individuals (chiefs and sub-chiefs) or committees, normally of kinship networks, exercise core social and legal powers"¹⁴³⁶.

6.4.1.2. *Opposition to decentralization*

In spite of these traditions of a decentralized archipelago of clans and tribes and the popularity of the decentralization and devolution slogan, there are critics that oppose the South Sudanese form of decentralization on principle. The former Minister of Education, longstanding SPLM insider and outspoken critic Peter Nyaba, for instance, remarks:

¹⁴³¹ Aeberli, Annina. *Decentralisation Hybridized: A Western Concept on its Way through South Sudan*. Geneva: Graduate Institute of International and Development Studies, eCahiers No. 14, July 2012.

¹⁴³² Chol (1996), p. 5.

¹⁴³³ SPLM. *The SPLM Manifesto*. May 2008, p. 19.

¹⁴³⁴ Akot, Daniel Awet, "The imperative of decentralization", in Simmons, Mark and Dixon, Peter (eds.) *Peace by piece: Addressing Sudan's conflicts*. London: ACCORD Conciliation Resources, Issue 18, 2006, pp. 76-77, p. 77.

¹⁴³⁵ Duany (1992), p. 65.

¹⁴³⁶ Jok, Aleu Akechak et al. (2004), p. 13.

The present level of administrative decentralisation has been stretched to absurdity. Instead of rendering it easy to provide social services, the present system has made it difficult because most of the financial and economic resources are being diverted to remuneration and perks for government and public officials whose numbers have skyrocketed. [...] If the state elite means business in state and nation building, it should reverse the centrifugal tendencies evident in the multiplication of counties.¹⁴³⁷

Institutions of local government are effectively extremely weak and in their present state serve to undermine the build-up of a functioning state: “So far, decentralisation has served only to entrench ethnic elites at the local level while real power remains in the hands of the political elite in Juba”¹⁴³⁸. Schomerus and Allen go even further in their criticism. For them, decentralisation in South Sudan is a cause rather than a remedy of conflict,

because decentralisation is not pursued convincingly and is abused for local power struggles which cause violent conflict [...] Momentum for increased administrative fragmentation is developing at the same time as decision power is firmly held at the centre, creating a situation in which decentralisation seems to primarily signify a localised power grip over resources, rather than localised political decision-making.¹⁴³⁹

Even those in favour of decentralization in South Sudan caution that the GoSS’s first task before undertaking reforms and devolving powers should be to gather and map essential information (e.g. composition of population, economy, services) about the states that is currently lacking¹⁴⁴⁰.

Approaching the issue from a different vantage point, David Deng highlights the dangers for accountability that can come along with decentralization. During the CPA period, several judges were threatened and physically assaulted by county commissioners displeased with their rulings. As “[s]enior judges began to complain that decentralization was compromising the independence of the Judiciary”, after independence the judiciary was taken out of the hands of local government and centralized under the control of the Supreme Court’s Chief Justice¹⁴⁴¹. These forms of criticism may be justified but are in a way at odds with a reality in which power and resources remain in fact very much under the purview of the central government. In fact, former vice-president Riek Machar himself publicly called on the Minister of Justice to uphold the principle of decentralization while criticizing that “Southern officials and politicians had been imbued with the long-standing centralizing tendencies and cultures of the Sudanese state”¹⁴⁴².

6.4.1.3. *De facto centralization of authority: Juba rules*

Assessing the decentralization efforts in South Sudan to date, what has transpired is that words have not been matched by actions. Very little power, authority and resources are actually being devolved to the various sub-national layers of government and in the last year (since 2013) the country has

¹⁴³⁷ Nyaba (2011), p. 182.

¹⁴³⁸ Sansculotte-Greenidge, Kwesi and Tsuma, William. *The New Sudans: The First 100 Days*. Durban: Accord Policy & Practice Brief, No. 11, October 2011, p. 3.

¹⁴³⁹ Schomerus, Mareike and Allen, Tim. *Southern Sudan at odds with itself: Dynamics of conflict and predicaments of peace*. London: DESTIN, 2010, pp. 38-39.

¹⁴⁴⁰ Kimenyi, Mwangi S., “Making Federalism Work in South Sudan”, in *South Sudan One Year After Independence: Opportunities and Obstacles for Africa’s Newest Country*. Washington: Africa Growth Initiative at Brookings, June 2012, pp. 16-18.

¹⁴⁴¹ Deng, David K. *Challenges of Accountability* (2013), p. 19.

¹⁴⁴² Leonardi et al. (2011), p. 117.

witnessed a further centralization, with power vested in a small group of Juba elites¹⁴⁴³. When comparing the Interim Constitution from 2005 which established a federal decentralized system with the Transitional Constitution in effect since 2011, it becomes clear that the latter document has re-centralized governance institutions, in particular by vesting substantial powers in the office of the president¹⁴⁴⁴. The national government in Juba has shown itself to be extremely reluctant to relinquish any real power to the sub-national levels of government and the little funding that has been provided has generally evaporated into thin air before reaching the ground of local investments into improved services and infrastructure. The army, the country's most effective institution, also remains under central control. The SPLA currently consists of ten divisions and four independent brigades. While nominally each division should be centred in one of the ten states, they are not in fact bound by state boundaries and are very much centrally controlled from SPLA headquarters in Bilpam near Juba¹⁴⁴⁵.

Beyond the question of the extent to which authority is being delegated from the national level to the lower tiers of government, the more mundane matter of funding is of vital importance to the success or failure of devolution. Historical continuities also show up in this aspect as an analysis of decentralization in the Sudan published right around the start of the second civil war in 1983 found the financing of local government to be the most crucial recurrent problem that persisted throughout different political and administrative regimes¹⁴⁴⁶. Successive Khartoum governments have aspired to hegemonic control and omniscient centralized decision-making power over regional and local affairs¹⁴⁴⁷ and consistently stymied local government by withholding sufficient funds necessary for local initiatives while constantly reorganizing the administrative structure without substantive change to the status quo of neglect and underfunding¹⁴⁴⁸. Lavergne therefore deems the Islamist regime's so-called decentralizing reforms of 1991 and 1994 as nothing but pseudo-devolution. Local administrators are appointed by and respond to the national government rather than the local population as the true objective seems to be tighter control over the population by means of smaller units of administration¹⁴⁴⁹.

Very similar developments can be observed in contemporary South Sudan. As the OECD (Organization for Economic Cooperation and Development) stated in 2011, there is a sense that very little development has taken place outside of Juba and – to a lesser extent – in and around the other nine state capitals. “Much of the responsibility for the organisation and delivery of services already

¹⁴⁴³ Zambakari, Christopher and Kang, Tarnjeet K., “Negotiating peace in South Sudan: Democracy, politics and armed movements”, *African Arguments*, 14 January 2014, <http://africanarguments.org/2014/01/14/negotiating-peace-in-south-sudan-democracy-politics-and-armed-movements-by-christopher-zambakari-tarnjeet-k-kang/> (accessed: 9 April 2014).

¹⁴⁴⁴ Cope, Kevin L., “The Intermestic Constitution: Lessons from the World's Newest Nation”, *Virginia Journal of International Law*, Vol. 53, No. 3, pp. 667-724, pp. 716-17.

¹⁴⁴⁵ Rands (2010), pp. 9-10.

¹⁴⁴⁶ Norris, M. W., “Local Government and decentralization in the Sudan”, *Public Administration and Development*, Vol. 3, No. 3, 1983, pp. 209-222.

¹⁴⁴⁷ Khalid, Mansour, “Darfur: A Problem within a Wider Problem”, in Hassan, Salah M. and Ray, Carina E. (eds.) *Darfur and the Crisis of Governance in Sudan. A Critical Reader*. Ithaca, NY: Cornell University Press, 2009, pp. 35-42.

¹⁴⁴⁸ Fegley, Randall. *Beyond Khartoum: A History of Subnational Government in Sudan*. Trenton, NJ: The Red Sea Press, 2011.

¹⁴⁴⁹ Lavergne, Marc, “Le nouveau système politique soudanais ou la démocratie en trompe-l'oeil”, *Politique Africaine*, No. 66, June 1997, pp. 23-38, p. 32.

lies with the states but they don't have the resources to manage at local level"¹⁴⁵⁰. Trickle down of government revenue to the lower levels of the state building, i.e. the states, counties, payam and boma does not occur as development is concentrated in Juba and Juba only¹⁴⁵¹. Most of the state capitals are in fact rather modest dwellings without the infrastructure and offerings that would be expected from an urban environment¹⁴⁵².

The states' and counties' dependence on the national level is systemic and deliberate. Revenue is collected by the national government and then passed on to the states (making up 90% of states' funds¹⁴⁵³), though it is common that even less than budgeted actually arrives in the states. Almost all of the bloc transfers to the states and counties go into salaries, leaving little to discretionary spending and investments. Taking for example the approved budget for 2012/13, out of a total of 1.7 billion South Sudanese Pounds (SSP) in bloc transfers to the states, only about 100 million SSP or 5.5% were destined for capital investment compared to 59% for salaries and 35% for operating costs¹⁴⁵⁴. As a result, the World Bank came to the conclusion that "[t]he low levels of own source revenues call in question the fiscal sustainability of local governments as presently organized"¹⁴⁵⁵.

6.4.2. Federalism, Regionalism & *kokora*

Inside South Sudan, a wide gap separates the relative affluence and bustle of the capital from other towns let alone villages. Juba has much more to offer than any of the ten state capitals and the centralization of the country is also visible in the extent to which even the state capitals often appear disconnected from events in Juba. As a study on South Sudanese media concluded, "Upper Nile and Malakal, like all other state capitals, feel remote and left out of events"¹⁴⁵⁶. Federalism is therefore – in South Sudan as much as elsewhere in postcolonial Africa and the world – a popular calling card for those that seek to improve the lot of the provinces and spread wealth and authority more equitably across the territory. This section will therefore first in 6.4.2.1 look at the degree of federalism and the actual functioning of the ten states of South Sudan before turning in 6.4.2.2 to the contentious history of regionalism in South Sudan and in particular the contemporary iteration of debates over regionalism and national unity affecting Greater Equatoria's stance towards the rest of South Sudan. The section ends in 6.4.2.3 with a view on the multiplication of counties and contested county boundaries and what it means for the state structure.

6.4.2.1. *South Sudan's states: federal system or arms of the executive*

The current subdivision of the territory of South Sudan into ten states (eleven if you count Abyei) is in fact an outgrowth of Northern Sudanese divide-and-rule strategies as it was instituted in 1994 and

¹⁴⁵⁰ OECD (2011), p. 60.

¹⁴⁵¹ International Crisis Group. *Politics and Transition* (2011), p. 19.

¹⁴⁵² An international diplomat described how the Yida refugee camp in Unity State with its population of about 70,000 and many markets seemed much more like an urban centre than the actual state capital Bentiu.

Interview in Juba, 21 October 2013.

¹⁴⁵³ Feiden, Peter; Arou, Mom and Arteaga, Jaime. *Sudan Local Governance Assessment: South Sudan and in the Three Areas*. USAID, July 2009, p. 5.

¹⁴⁵⁴ Republic of South Sudan. *Approved Budget 2012/13*. Juba, 2012.

¹⁴⁵⁵ World Bank. *Southern Sudan - Enabling the state* (2010), p. viii.

¹⁴⁵⁶ Gachie et al. (2009), p. 52.

thus in the earlier and more ideologically driven years of the Islamist regime in Khartoum¹⁴⁵⁷. This structure was initially met with much resistance from the SPLM which feared that the restructuring was meant to undermine Southern unity¹⁴⁵⁸ and only accepted by the Southern rebels at the conclusion of the peace agreement in 2005. In contrast, the post-Chukudum SPLM model of civilian administration in 'New Sudan' still stuck to the three old regions of Equatoria, Bahr al Ghazal and Upper Nile¹⁴⁵⁹ that had themselves been created – albeit looking back to a prior existence in colonial times – in 1983 in an attempt by former president Nimeiry to weaken the South's political clout.

As already alluded to in the previous section on the centralization of authority in South Sudan, the states are clearly wanting in rights and resources and one would be strongly amiss to call the current administrative arrangement *federal*. The president, who until the 2010 elections directly appointed governors, has the right to dismiss the now elected governors in times of crisis (he can himself determine what constitutes a crisis) and Salva Kiir has made repeated use of this provision (see Ch. 6.2.2.3). Moreover, governors and state legislators do not have their own independent sources of revenue and depend on transfers from the national government¹⁴⁶⁰. Oftentimes, though, these transfers do not make it to their point of destination as they are diverted along the way: "The central government's transfer of public funds to states [is] a key area for the mismanagement of funds"¹⁴⁶¹. Where this has been felt most acutely is in Unity State which is the main oil-producing state. According to the CPA oil-producing states should get 2% of total oil revenue and South Sudan's Transitional Constitution raised that number to 3% but there is very little sign that the money has arrived or had an effect on oil-producing areas in Unity that also suffer from environmental degradation¹⁴⁶².

During the CPA period, one way Southern states used to mitigate the regular shortfall in cash transfers from the GoSS was to ignore legal prescriptions and, contrary to the letter of the CPA, levy and collect a valued added tax and/or a goods and services tax on its citizens whose proceeds constituted up to 92% of state revenue in Western Bahr al Ghazal¹⁴⁶³. In the present, this route is no longer open to them. There are also regional discrepancies because states differ in their capacity to create a sustainable revenue base independent of the goodwill of the national government. As a World Bank study found, Central Equatoria generates a much higher percentage of its revenues from its own sources in comparison to Jonglei or Lakes. The main reasons for this are the well-established

¹⁴⁵⁷ Majok, Riak Gok, "Reconstruction, Governance and Public Administration Capacities in Post-Conflict Societies: The Case of Southern Sudan", in United Nations Department of Economic and Social Affairs. *Report of the Expert Group Meeting. Lessons Learned in Post-Conflict State Capacity: Reconstructing Governance and Public Administration Capacities in Post Conflict Countries*. New York: United Nations, 2009, pp. 121-127, p. 123.

¹⁴⁵⁸ de Montclos (2003/4), p. 110.

¹⁴⁵⁹ Chol (1996), p. 4.

¹⁴⁶⁰ To give an example of the resource-based rivalry between national and state authorities, both the government in Juba and the state government of Western Equatoria laid claim to the valuable teak forests in the state. Nasion, Joseph, "Western Equatoria State wants to regulate booming teak business", *The Niles*, 3 April 2013, <http://www.theniles.org/articles/?id=1758> (accessed: 7 April 2014).

¹⁴⁶¹ Mbaku and Smith (2012), p. 20.

¹⁴⁶² De Zeeuw, Jeroen, "A window of opportunity, before the oil starts flowing again...", *Cordaid*, 5 February 2013, <https://www.cordaid.org/en/news/window-opportunity-oil-starts-flowing-again/> (accessed: 29 April 2014).

¹⁴⁶³ Gebre Selassie (2009), pp. 46-47.

administrative structure in Central Equatoria and the fact that there are several urban centres in contrast to a predominantly rural-agrarian population in Jonglei and Lakes¹⁴⁶⁴.

Coming back to popular attitudes to states and federalism as a concept, a survey conducted at the time of independence came up with the result that respondents were in favour of even more states being created. The reasoning went that the more states, the more opportunities for jobs and income¹⁴⁶⁵, i.e. each new state would have its own ministries, its own police posts, public tenders etc. that locals could vie for. Security and better protection for minority ethnic groups is another motivation epitomized by rebel leader David Yau Yau's demand for a separate Murle state to be carved out of the existing state of Jonglei¹⁴⁶⁶. These hopes and expectations notwithstanding, with regard to devolution and federalism, a different survey found that 35% of respondents preferred stronger state governments as opposed to 61% that preferred a stronger national government¹⁴⁶⁷. A different angle on the further multiplication of states is forwarded by the journalist Jacob Lupai who sees parallels between South Sudan and Nigeria and argues that it might be advisable to follow the latter's example in further subdividing the existing ten states so as to allow better representation for the many smaller ethnic groups in the country¹⁴⁶⁸.

Stephen Par Kuol, a former state minister, represents the opposite pole in the debate as he is convinced that in contrast to successful federalist countries like the United States, a federalist system in South Sudan runs the high risk of strengthening ethno-nationalism and leading to unequal treatment of South Sudanese of different ethnic origin¹⁴⁶⁹. And opposition politician Justin Ambago Ramba believes that today, regional blocs inside the SPLM have effectively replaced other forms of political organization and contestation and become the de facto political regime in South Sudan¹⁴⁷⁰. In Jonglei, for instance, the SPLM continues a practice from colonial times that the four highest posts in the state administration must be filled by representatives from each of the four regions that make up the state¹⁴⁷¹. These latter points are also critical in the more specific debate on – supposedly divisive – regionalism in South Sudan that the next paragraphs will address.

6.4.2.2. *Regionalism in Southern Sudan: Equatoria and the new kokora debate*

Regionalism in South Sudan is intricately linked to ethnicity. This applies in particular to Equatorian regionalism which in many respects is tantamount to a multi-ethnic coalition of smaller ethnic groups that seek to counter the (perceived) preponderance of larger ethnic groups (Dinka, Nuer, Shilluk,

¹⁴⁶⁴ World Bank. *Southern Sudan - Enabling the state* (2010), p. viii.

¹⁴⁶⁵ Cook (2011), p. 10.

¹⁴⁶⁶ *Sudan Tribune*, "Yau Yau rebels demand new state in Jonglei", 23 March 2014, <http://www.sudantribune.com/spip.php?article50410> (accessed: 25 March 2014).

¹⁴⁶⁷ International Republican Institute (2011), p. 31. These results were echoed by an NDI study based on focus groups which found that a slight majority preferred giving more powers to the national government as opposed to states and counties. Cook et al. (2013), p. 30.

¹⁴⁶⁸ Lupai, Jacob K., "Attaining sustainable national unity through federal system of government", *South Sudan News Agency*, 1 May 2013, <http://www.southsudannewsagency.com/opinion/editorials/attaining-sustainable-national-unity-through-federal-system-of-government> (accessed: 2 May 2013).

¹⁴⁶⁹ Kuol, Stephen Par, "The Peril of Ethnic Federalism in the Republic of South Sudan", *Gurtong*, 4 May 2013, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/11005/Default.aspx> (accessed: 10 May 2013).

¹⁴⁷⁰ Ramba, Justin Ambago, "Regionalism as set to replace party politics in South Sudan!", *South Sudan Nation*, 5 June 2013, <http://www.southsudannation.com/regionalism-as-set-to-replace-party-politics-in-south-sudan/> (accessed: 11 June 2013).

¹⁴⁷¹ *Sudan Tribune*, "Jonglei's assembly speaker set to resign on Tuesday", 7 April 2014, <http://www.sudantribune.com/spip.php?article50576> (accessed: 8 April 2014).

Zande) in the South Sudanese state. The tradition of strong regional discrepancies *within* Southern Sudan in fact predates the acrimonious *kokora* debate over redivision, which shaped the final years of the Southern Regional Government before its dissolution in 1983. Joseph Lagu, the Southern rebels' military leader from 1963-72, mentions in his memoirs that he took great care to have an equal number of representatives from each of the three southern regions come along to the Addis Ababa peace talks and that Anya-nya fighters destined to be integrated into the Sudanese army also hailed in equal numbers from each of the three sub-regions¹⁴⁷². During the second war, regionalism also bred bizarre coalitions: Equatorians in favour of redivision into three sub-regions established contacts and received support from Northern Islamists from the Muslim Brotherhood; a relationship that even survived the introduction of sharia in September 1983¹⁴⁷³.

Grievances among Equatorians can be traced to a number of factors. In contrast to the Anya-nya uprising against the Sudanese state during the 1950s and 1960s which had started in Equatoria and consequently had a large share of Equatorians amongst the movement's most prominent leaders¹⁴⁷⁴, the second civil war and the SPLA originated from Bor in Bahr al Ghazal and much of the SPLA's leadership was Dinka or in any case Nilotic¹⁴⁷⁵. There had been voices critical of the preponderance of the Dinka already in the 1970s and in Equatoria expressions of anti-Dinka sentiments and the portrayal of the SPLA as a Dinka army arose immediately after the end of the Southern Region and the start of fighting¹⁴⁷⁶. Equatorians had been as a rule reluctant to join the ranks of the rebellion and showed distance or even hostility towards the SPLA¹⁴⁷⁷.

A large part of the population fled to Uganda when the SPLA advanced toward and eventually conquered swathes of Equatoria in the mid-1990s¹⁴⁷⁸. More fuel was added to the fire when after the Bor massacre in 1991, many cattle-herding Bor Dinka fled south to different parts of Equatoria. Conflicts between pastoralist Dinka and mostly farm-owning Equatorians grew into more ethnically motivated fights so "that some local Equatorians believed that the SPLA was not there to liberate them from Khartoum, but to take over their territory"¹⁴⁷⁹. In turn, some Equatorians came together in militias like the Equatorial Defence Force that fought against abusive SPLA units¹⁴⁸⁰, while others rallied under the banner of the Anyanya II which claimed to struggle for Southern independence but principally fought the SPLA and received support from Khartoum. Equatoria also frequently acted as a regional bloc inside the SPLM/A structure. For instance, when Riek Machar rejoined the SPLM in 2002 and took the number three position in the movement from James Wani Igga, there were rumblings in Equatoria that the number three position ought to be held by somebody from the

¹⁴⁷² Lagu (2006).

¹⁴⁷³ El-Affendi, Abdelwahab, "'Discovering the South': Sudanese Dilemmas for Islam in Africa," *African Affairs*, Vol. 89, No. 356, July 1990, pp. 371-389, pp. 381-2.

¹⁴⁷⁴ Rolandsen (2011), p. 220.

¹⁴⁷⁵ Scott, Philippa (1985), p. 74.

¹⁴⁷⁶ Johnson, Douglas H. *The Root Causes* (2011), pp. 67-68.

¹⁴⁷⁷ Scott, Philippa (1985), p. 74.

¹⁴⁷⁸ Branch, Adam and Mampilly, Zachariah Cherian, "Winning the War, but Losing the Peace? The Dilemma of SPLM/A Civil Administration and the Tasks Ahead", *The Journal of Modern African Studies*, Vol. 43, No. 1, Mar. 2005, pp. 1-20, p. 5.

¹⁴⁷⁹ The Sudd Institute. *Peace and Reconciliation in South Sudan: A Conversation for Justice and Stability*. Special Report, Juba, 7 June 2013, p. 8.

¹⁴⁸⁰ Arnold, Matthew B., "The South Sudan Defence Force: patriots, collaborators or spoilers?", *The Journal of Modern African Studies*, Vol. 45, No. 4, December 2007, pp. 489-516, p. 504.

Greater Equatoria region¹⁴⁸¹. The current Governor of Central Equatoria State, which is home to the capital Juba, also voiced his support for federalism to be included in the permanent constitution¹⁴⁸². Moreover, some Equatorian leaders harbour long-standing resentment of Nilotics that are unlikely to dissipate anytime soon¹⁴⁸³.

While there were isolated comments during the CPA period, the true rebirth of the *kokora* (division) slogan as well as its detractors came after the independence referendum had been secured. There is much support for *kokora* – the redivision of the Southern Region in three separate regions with special rights for indigenous ethnic groups in 1983 – among residents of Greater Equatoria where many feel that the Nilotics, chiefly Dinka and Nuer, are taking over most high-ranking positions¹⁴⁸⁴. Thus, in 2011 a conference of the three Equatorian governors that called for a federalist system of governance stirred strong emotions and responses¹⁴⁸⁵. On the one hand, regionalism was portrayed as undermining the very unity that John Garang had fought for as “[t]he drawback in the long run after we have chosen to go regionalism, would be that we will never be Southern Sudanese but groups”¹⁴⁸⁶. James Okuk, for instance, from South Sudan’s Ministry of Foreign Affairs, explicitly links devolution to tribalism and warns “against decentralization of government power politics in South Sudan at the moment before achieving ‘detransferalization’ first as this breeds serious detrimental tribalism in the process”¹⁴⁸⁷. Rather than calming inter-tribal tensions, devolution to regions would merely create a new locus for strife:

Advocates of decentralization, federalism or regionalism have one agenda in mind: the division of our society. They must not be allowed! Alas, they easily forget that experience has shown that when people go for regions, even within regions the chopping will continue among the same group of one region.¹⁴⁸⁸

On the opposite side of the spectrum, Joana Adams, a South Sudanese commentator argues clearly in favour of federalism as opposed to centralism: “I can proudly be a South Sudanese and an Equatorian without contradiction, and being one does not negate being the other”¹⁴⁸⁹. In her assessment, “[e]very Southern tribe is a nation by itself, occupying a distinct territory where they are sovereign. Therefore what South Sudan needs to do is to build a ‘super-nation’ – the nation of South Sudan”¹⁴⁹⁰. Justin Ambago Ramba, secretary general of the opposition United South Sudan Party (USSP), likewise holds that tribalism, regionalism and uneven development are not the inevitable

¹⁴⁸¹ Nyaba (2011), p. 168.

¹⁴⁸² Wudu, Waakhe Simon, “CES Governor Backs The Demand For Federalism”, *Gurtong*, 13 May 2014, <http://gurtong.net/ECM/Editorial/tabid/124/ID/15250/Default.aspx> (accessed: 15 May 2014).

¹⁴⁸³ Johnson, Douglas H. *The Root Causes* (2011), pp. 67-68.

¹⁴⁸⁴ Reeves (2012), p. 31.

¹⁴⁸⁵ Stephen, Juma John, “Equatoria Conference Calls for Federal System of Governance”, *Gurtong*, 19 April 2011, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/5121/Equatoria-Conference-Calls-For-Federal-System-Of-Governance.aspx> (accessed: 29 September 2011).

¹⁴⁸⁶ Abraham, Isaiah, “Equatoria Conference queried”, *Juba Post*, April 2011, <http://jubapost.org/article-34.html> (accessed: 8 July 2011).

¹⁴⁸⁷ Okuk, James, “Regional Representation breeds tribalism in South Sudan”, *Sudan Tribune*, 16 April 2011, <http://www.sudantribune.com/Regional-representation-breeds,38599> (accessed: 9 July 2011).

¹⁴⁸⁸ Abraham, Isaiah, “Unity of South Sudan at stake”, *South Sudan Nation*, 14 June 2011, <http://www.southsudannation.com/unityofssatstake%20isaiahabram78.htm> (accessed: 9 July 2011).

¹⁴⁸⁹ Adams, Joana, “The RoSS Draft Constitution Debate”, *South Sudan Nation*, 20 June 2011, <http://www.southsudannation.com/rossdraftconstdebate%20josephn78.htm> (accessed: 4 October 2011).

¹⁴⁹⁰ Ibid.

products of a federalist system since they can be witnessed in a unitary state, too. The true culprits of tribalism are ethnic entrepreneurs that play on ethnic identity: “Just as a carpenter can use tools to produce many different products, so can those who manipulate the distribution of power and employ identity”¹⁴⁹¹. Adding an interesting twist to the debate about regionalism triggered by regional conferences in Greater Equatoria, Lual Deng, director of the Ebony Institute in Juba, conceives of federalism, which he advocates, as competition and negotiation between the three classic regions of the South: Greater Equatoria, Greater Bahr al Ghazal and Greater Upper Nile. Competition, however, is to take place inside the SPLM which he takes to be tantamount to the general public¹⁴⁹².

6.4.2.3. County multiplication and boundary disputes

As mentioned in the section on international boundaries, external borders are not the only borders affecting South Sudan’s claim to effective statehood. South Sudan’s internal boundaries also constitute a major point of friction. The lack of demarcation of internal borders between states and counties¹⁴⁹³ and insecurity over rights, ownership and status of vital resources such as land and water contribute to conflicts among South Sudanese citizens¹⁴⁹⁴. For instance, the three states Lakes, Warrap and Unity are engaged in border disputes over ownership of valuable grazing land and wells¹⁴⁹⁵. Furthermore, since 2002 most counties, *payams* and *bomas* (units of local administration) have been subdivided, not only creating new institutions of local government but also forcing the, on occasion, contentious issue of border demarcation¹⁴⁹⁶. Counties and *payams* are multiplying because communities seek to be directly represented and also hope to gain employment and profit in other ways from having their own administrative unit. A typical point of contention in rural South Sudan is when communities are spread across different counties. In 2004, for instance, a local peace conference in Central Equatoria between the Lokoya and Olo’bu peoples mentioned the fact that the Lokoya were split into Juba county and Torit county as a major source of friction¹⁴⁹⁷. A recent report likewise pointed out how some conflicts over resources among agro-pastoralist communities in Warrap and Lakes states are sparked and driven by newly created administrative boundaries that cut through highly valued and valuable land¹⁴⁹⁸.

Although the SPLM installed a high-level committee in 2007 to determine all internal boundaries between states and counties, a final settlement was pushed off until after independence and has yet to come into existence¹⁴⁹⁹. Thus, during the process of delineating constituency boundaries for the 2010 national elections, ethnic groups reacted violently when they were divided by constituency

¹⁴⁹¹ Ramba, Justin Ambago, “Don’t Blame Federalism for Tribalism”, *Gurtong*, 23 April 2011, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/5138/categoryId/24/Dont-Blame-Federalism-for-Tribalism.aspx> (accessed: 16 September 2011).

¹⁴⁹² Deng, Lual A., “Regional Conferences in South Sudan Are Imperative”, *The Sudd Institute*, Weekly Review, 25 June 2013.

¹⁴⁹³ International Crisis Group. *Compounding Instability* (2011), p. 21.

¹⁴⁹⁴ Forojalla and Galla (2010), p. A18.

¹⁴⁹⁵ UNDP. *Community Consultation Report, Warrap State, South Sudan*. Juba: UNDP, South Sudan Bureau for Community Security and Small Arms Control, South Sudan Peace and Reconciliation Commission, May 2012, p. 8.

¹⁴⁹⁶ Rolandsen (2009), p. 24.

¹⁴⁹⁷ Ojil, Bernard C. *Report on Peace and Reconciliation Conference of the Lokoya and the Olu’bo Communities of East Bank*. Nimule, South Sudan, 13 September to 17 October 2004, p. 5.

¹⁴⁹⁸ Kircher (2013), p. 10.

¹⁴⁹⁹ International Crisis Group. *Compounding Instability* (2011), p. 21.

boundaries and in some instances physically assaulted GoSS personnel¹⁵⁰⁰. Lack of cartographic material further contributes to disputes. In Eastern Equatoria, for example, intense pressure from local communities drove the state government to increase the number of *payams* from 53 to 75¹⁵⁰¹. The anticipated legalization and thus fixing of communal land rights inherent in the Land Act of 2009 has also contributed to conflicts between communities over the demarcation of communal boundaries – a struggle which often shifts to the centre as local parties seek support from associates in the government in Juba¹⁵⁰². Thus, in 2013, youth from Duk County in Jonglei appealed to the governor in Bor to halt attempts by the youth from neighbouring Uror County to annex parts of Duk County¹⁵⁰³.

6.4.3. Local Government vs. Traditional Authorities

An essential question for South Sudan but also for the analysis of the trajectory of South Sudan's structural development compared to other African states' experience with decentralization is whether or not traditional authorities will retain their present-day status and to what extent they will be integrated into or excluded from the official state-sanctioned governance pyramid. Accordingly, this section is going to analyze in 6.4.3.1 the formal-legal structure of local government and then go on to depict in 6.4.3.2 the actual actors that prevail in local decision-making: chiefs and other traditional authorities.

6.4.3.1. *Local Government Act: paper vs. reality*

South Sudan's Local Government Act is very precise in pointing out the underlying principle of the administrative division of authorities: "Principle of subsidiarity, where decisions and functions shall be delegated to the lowest competent level of Government"¹⁵⁰⁴. In actual matter of fact, this principle of subsidiarity does not accurately reflect the workings of government and governance on the local level.

Looking at the case of Equatoria at the beginning of the CPA period, Branch and Mampilly argued "that local government is the key level for understanding the potential success or failure of post-conflict SPLA political consolidation, and, ultimately, peace itself in Equatoria"¹⁵⁰⁵. This contention is based on the belief that as decentralization begins to function according to the principle of subsidiarity laid out above, almost all important decisions for the local populace will be taken by local government. In retrospect, this expectation has not been fulfilled as local government – if it exists at all – in many localities has not come to bear much influence on local realities. Instead, as already discussed in the section on customary law (Ch. 6.2.1.2), traditional authorities continue to have a prominent place in local political as well as judicial and social affairs¹⁵⁰⁶.

¹⁵⁰⁰ Centre for International Governance Innovation (2011), p. 3.

¹⁵⁰¹ Nakimangole, Peter Lokale, "Eastern Equatoria Cabinet Approves 22 New Payams", *Gurtong*, 3 October 2013, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/13241/Default.aspx> (accessed: 3 October 2013).

¹⁵⁰² Rolandsen (2010), pp. 4-5.

¹⁵⁰³ *Sudan Tribune*, "Duk county youth protest against alleged Jonglei land grab", 13 November 2013, <http://www.sudantribune.com/spip.php?article48790> (accessed: 7 April 2014).

¹⁵⁰⁴ *The Local Government Act, 2009*. Laws of Southern Sudan, Sect. 13. Principles of Local Governance.

¹⁵⁰⁵ Branch and Mampilly (2005), p. 16.

¹⁵⁰⁶ The British policy of Native Administration, i.e. leaving local affairs in the hands of customary authorities, was continued by Sudanese governments after independence and only abolished by Nimeiry in 1972.

To begin with, the legal basis of local governance remains vague when it comes to the clear delineation of tasks and responsibilities of the various actors involved in local government. The GoSS is adamant about including traditional authorities into local government structures. In their present state, however, legal provisions dealing with local government contain the potential for conflict as several provisions appear mutually incompatible: traditional authorities are said to be legitimized democratically even if in practice they often are not; both customary law *and* statutory law are to be the bases of legal proceedings; both state officials *and* chiefs are said to enjoy authority¹⁵⁰⁷. Thus, the Local Government Act 2009 differentiates between two types of traditional authority – kingdoms (centralized) and chiefdoms (decentralized) – divided into chieftainships, sub-chieftainships and headman-ships¹⁵⁰⁸. Moreover, the Act states that “[t]he Boma shall be the main domain of the traditional authority where traditional leaders perform their administrative and customary functions”¹⁵⁰⁹ but in the same section provides for chiefs to be represented in the County Legislative Council¹⁵¹⁰.

The fact that it is common knowledge in Juba that the Local Government Act was written by a member of a foreign development agency does not by itself disqualify the document but it sheds a light on the degree of ownership the South Sudanese government shows with respect to the Act’s provisions. A USAID report is much more critical in its assessment because the Act, among other things, “authorizes the delegation of authority without any restriction, this will make it more difficult to hold local authorities accountable for their actions”¹⁵¹¹. Moreover, in practice, counties have minimal authority as state governors routinely decide over the heads of county commissioners and lack income as the state governments often do not distribute resources further down to counties. In turn, county governments play a very limited role in service delivery due to lack of funds, capacity and data about citizen demographics and needs¹⁵¹².

Another study discerned the biggest challenges to efficient local government as being: undefined physical boundaries, lack of engagement in decentralization by national and state governments, undefined roles and responsibilities, lack of qualified staff, insufficient funds, embezzlement of allocated grants and lack of infrastructure (including something as basic as office space)¹⁵¹³. Finding local state organs in their present iteration to be either predatory or incompetent, some international observers actually call on the international community to put aside the dogma of statebuilding and directly aid and fund local authorities¹⁵¹⁴. In fact, such forms of direct funding occur already in certain localities, only not in a systematic manner. A former local government official who had spent much of the second war in North America boasted that he had been able to use personal connections to international organizations to get funding for several important infrastructural

¹⁵⁰⁷ Hoehne (2008), p. 13.

¹⁵⁰⁸ *The Local Government Act, 2009*. Sect. 113 Types of Traditional Authority, pp. 56-57. This procedure of establishing and subdividing what are supposed to be traditional authorities into a strictly delineated administrative pyramid does, however, reek of what Mamdani decried as the British system of inventing tribes and then employing them as tools of native rule.

¹⁵⁰⁹ In two states, Unity and Central Equatoria, the *boma* level was to be reserved as the exclusive domain of traditional authorities. Unger, Barbara and Wils, Oliver. *Systemic Conflict Transformation and Inclusive Governance in Southern Sudan*. Berlin: Berghof Foundation for Peace Support, May 2007, p. 13.

¹⁵¹⁰ *The Local Government Act, 2009*. Sect. 19. Incorporation of Traditional Authority Systems.

¹⁵¹¹ Feiden et al. (2009), p. 3.

¹⁵¹² *Ibid*, pp. 4-6.

¹⁵¹³ de Klerk, Marianne and Kuon, Jacob. *A scan of the current state of affairs of local government in southern Sudan (October-November 2009)*. VNG International Report, Sudan, 8 November 2009, pp. 17-19.

¹⁵¹⁴ Baker and Scheye (2009).

projects in his county¹⁵¹⁵. On the flipside, neighbouring counties without well-connected people at the helm do not see any of the same benefits which strengthens the contention that access to services and opportunities in life in South Sudan depends very much on chance and the whim of geographical location.

There is a sense that due to the fact that the officeholders in local government owe their positions (and thus their salary) to higher-ups in the state capital or, more often, in Juba, county officials avoid calls for genuine devolution of powers for fear that they might anger their superiors in Juba and as a consequence see themselves removed from their posts¹⁵¹⁶. In this vein, the World Bank has set up a pioneering project to directly fund *payam* projects without including either the national or state level and even excluding county commissioners¹⁵¹⁷. The underlying and unspoken assumption being that all political appointees that do not respond to local people are a threat to siphon off resources that ought to go to local causes¹⁵¹⁸. Hence, the programme is a tacit admission that the state structure as presently constituted is not functional or even predatory and is not to be trusted. Finally, legislation can only be effective when it is known and understood but – as Martina Santschi observes – nobody in South Sudan has actually heard of the Local Government Act¹⁵¹⁹.

6.4.3.2. *Chiefs and traditional authorities in the power structure*

One of the underlying reasons for the failure to properly distinguish between the tasks and rights of state-appointed local government officials on the one and chiefs on the other hand may lie in the SPLM/A's history of civil administration and interaction with traditional authorities. Under the British, chiefs had been designated and partly installed by the colonial administrators to serve as their prime interlocutors to the population at large¹⁵²⁰. During the first war, chiefs had come under fire from both the government and the Anyanya rebels¹⁵²¹ but during the second war, the SPLA "based the administration of its liberated areas almost entirely on the old structures of Native Administration and the provincial governments of the old Southern Region"¹⁵²².

Yet, chiefs and other traditional authorities today do not necessarily enjoy a strong standing in the power pyramid and in several areas actually have experienced a substantial weakening of their authority and prestige. Whereas Kuol found that "[t]he spiritual, symbolic significance and role of the chief has been enhanced during the war period"¹⁵²³ and that the SPLA treated them with respect and even reverence, others have found chiefs' authority under fire as a result of the long war¹⁵²⁴. Thus, while the SPLM *nominally* revived native administration in those areas it controlled in the second half

¹⁵¹⁵ Interview in Juba, 16 October 2013.

¹⁵¹⁶ Interview with a South Sudanese working for an international organization, 22 October 2013.

¹⁵¹⁷ World Bank. *Local Governance and Service Delivery Project*, available at: <http://www.worldbank.org/projects/P127079/local-governance-service-delivery-program?lang=en> (accessed: 15 February 2014).

¹⁵¹⁸ Interview with two members of the World Bank, Juba, 22 October 2013.

¹⁵¹⁹ Santschi (2010), p. 111.

¹⁵²⁰ Zain, Mahmud El, "Tribe and Religion in the Sudan", *Review of African Political Economy*, Vol. 23, No. 70, Dec. 1996, pp. 523-529, p. 525.

¹⁵²¹ Deng, Biong. *Strategy Workshop on: The Roles of the Traditional Authorities in Local Governance in Post War South Sudan*. Rumbek, South Sudan, 14-17 July 2005; cited in Prah, Kwesi Kwaa. *Unity in Diversity: South Sudan COTALs Study and Familiarization Tour Report (South Africa, Botswana and Ghana) January 2013*. Cape Town: CASAS, 2013, p. 23.

¹⁵²² Johnson, Douglas H. *The Root Causes* (2011), p. 105.

¹⁵²³ Kuol (1997), p. 17.

¹⁵²⁴ Kircher (2013), pp. 11-12.

of the 1990s, it interfered whenever chiefs acted contrary to its interests¹⁵²⁵. A study on customary law from 2004 found that the war had eroded the power of chiefs who were clearly subservient to military leaders; along these lines martial law also took precedence over civilian law which had been in the hands of chiefs¹⁵²⁶. Badal actually believes that the chiefs' loss of authority during the war was a direct result of a deliberate SPLA strategy to weaken them¹⁵²⁷.

Especially the diffusion of small arms represents a challenge to chiefs as owning a weapon has undercut the power and authority elders used to wield over youth. As a result, chiefs' ability to mitigate conflicts and fulfil their traditional role as guardians of the peace has concomitantly shrunk¹⁵²⁸. This finding is echoed by John Ashworth's words that "[i]n some areas elders and chiefs have less influence and young men with guns have more"¹⁵²⁹. To give an example of these processes, in the Sobat Basin (which comprises the states of Jonglei and Upper Nile), the power of chiefs is said to have been eroded by the alternative power structures imposed by the SPLA and the Khartoum government as well as by the 'empowerment through armament' of local youths¹⁵³⁰. Among the Murle, too, elders have advised their youths against joining David Yau Yau's militia but have not had the clout to prevent many from going ahead nonetheless¹⁵³¹.

Finally, demography and cattle also work against chiefly authority. As dealt with in more detail in the chapter on ethnicity in South Sudan, dowries that are to be paid in cattle are a fixture of pastoralist societies in the country. Due to the fact that the young men want to acquire more cattle in order to be able to marry, they are keen on raiding neighbouring clans for cattle whereas the older men, among them the chiefs, have less to gain from raids and in contrast are likely to lose more in revenge attacks. These diametrically opposed incentive structures are a reason why chiefs today tend to have less control over members of their group and often cannot vouch that everyone is going to abide by peace deals the chief has signed¹⁵³².

But the reality of chiefly power in contemporary South Sudan is not accurately captured by a narrative of gloom and decline. Traditional authorities have not been passive victims of events but have been able to retain and in some cases carve out new niches for themselves in post-CPA South Sudan. Evidence of the ability to adapt to the changing circumstances of an independently governed South Sudan was that already in 2004 a gathering of chiefs adopted the Kamuto Declaration which called "upon the SPLM and Government of South Sudan [...] to assist with establishing County, State and national forums for the Traditional Leaders and Chiefs"¹⁵³³. The most important reason for the continuing relevance of traditional authorities in the state structure is, however, that most South

¹⁵²⁵ Unger and Wils (2007), p. 19.

¹⁵²⁶ Jok, Aleu Akechak et al. (2004), p. 15.

¹⁵²⁷ Badal, Rafael. *Local Traditional Structures in Sudan*. Uppsala: Life and Peace Institute, 2005, p. 85.

¹⁵²⁸ Leff (2012), p. 5.

¹⁵²⁹ Ferrie, Jared. *Community Perspectives on the Lou Nuer/Murle conflict in South Sudan*. London: Boma Development Report & Minority Rights Group International, 2011, p. 7; see also Willems and Rouw (2011), p. 22.

¹⁵³⁰ El Shazli, Dalahel Din; Adam, Farah Hassan and Adam, Imadel Din Bashier. *Share The Land Or Part The Nation: The Pastoral Land Tenure System in Sudan*. Khartoum: UNDP, 2006, p. 33.

¹⁵³¹ McGregor, David, "Tribal Champion or Proxy Warrior? A Profile of South Sudan's David Yau Yau", *Aberfoyle Security*, May 2013, <http://www.aberfoylesecurity.com/?p=278> (accessed: 12 April 2014).

¹⁵³² Interview with a politician from Jonglei, Juba, 19 October 2013.

¹⁵³³ *The Kamuto Declaration*. Kamuto, Kapoeta County, New Sudan, 29 June – 10 July 2004, available at: <http://www.sudanarchive.net/cgi-bin/pagessoa?a=pdf&d=Dslpd184&dl=1&sim=Screen2Image> (accessed: 14 February 2014).

Sudanese have no personal experience of political processes and rely on chiefs to fulfil the function of mediator between the individual and the state¹⁵³⁴. Attitudes towards local government may vary across the country but what Martin and Sluga observe in Yei in Central Equatoria is not in the least untypical: “Many returnees and residents from surrounding areas in Equatoria continue to associate statutory authorities at central, state and county levels with the political dominance of the SPLM and military rule”¹⁵³⁵. And a representative survey from all ten states revealed that most South Sudanese were strongly in favour of including traditional authorities in the power structure on the local level¹⁵³⁶.

Local populations frequently prefer chiefs and traditional authorities to state agents not only because they are more familiar with them but also because the SPLM/A is feared as well as revered. The SPLM, on the other hand, is also in some ways indebted to traditional authorities and relies on them for services and rallying local support for the party. Echoing this sentiment, a high-ranking member of the SPLM stated that the South Sudanese government had wrongly sidelined traditional authorities who ought to be given a much more prominent place in the state structure as the embodiment of South Sudanese culture and in recognition of their contribution during the liberation struggle¹⁵³⁷. Traditional authorities, even though only very few of them are paid by the government, have also been a practical asset to the South Sudanese government and instrumental in registering voters for the elections and the referendum¹⁵³⁸.

Another factor in the relative weakness of statutory local government is that mostly junior civil servants are sent out to the counties and usually lack in both administrative experience and local knowledge¹⁵³⁹. Local chiefs tend to be far superior in getting meetings to go their way and local government officials are further at a disadvantage because the SPLA, with very few exceptions, has been unwilling to back up officials in cases of conflict. This reluctance to confront chiefs is presumably grounded in the fact that politicians’ level of authority is largely proportional to and based on their personal linkages to specific communities in the country. Hence, Edward Thomas pointed out how the SPLM was very much like their erstwhile enemy, the National Congress Party in that “both use traditional authorities in tribal systems as a principal means for engaging with the rural periphery”¹⁵⁴⁰.

An apt description of traditional authorities’ position in the governance structure of post-war South Sudan is therefore that “[t]heir ideal role [...] has been one of speaking and converting between the ways of government and the ways of the community, including mediating the violence of government by deflecting it with their words and, if necessary, absorbing it in their own bodies”¹⁵⁴¹. A recent example of this mediating role – and in fact a sign of chiefs collectively flexing their political

¹⁵³⁴ Soux, Susan. *Southern Sudan: Local Governance in Complex Environments. Project Assessment*. The DGTTF Lessons Learned Series, UNDP, May 2010, p. 12.

¹⁵³⁵ Martin and Sluga (2011), p. 23.

¹⁵³⁶ Cook et al. (2013), p. 40.

¹⁵³⁷ Interview in Juba, 11 October 2013.

¹⁵³⁸ Santschi (2010), p. 111.

¹⁵³⁹ Interview with member of House of Local Government, Juba, 11 October 2013.

¹⁵⁴⁰ Thomas. *Decisions and Deadlines* (2010), p. 14.

¹⁵⁴¹ Leonardi, Cherry, “Violence, sacrifice and chiefship in Central Equatoria, Southern Sudan”, *Africa*, Vol. 77, No. 4, 2007, pp. 535-558, p. 537.

muscle – was an appeal to have the governor of Northern Bahr al Ghazal removed from his post¹⁵⁴². Therefore, it is largely accurate to say that “[t]ribal authorities that have been manipulated, militarized and sometimes even criminalized are still the main rural administrative presence in the peripheries”¹⁵⁴³.

What is very interesting considering the comparative approach of this investigation is that in trying to find the right system of integrating local government and traditional authorities, South Sudanese authorities and intellectuals have been very open in seeking advice from abroad, in particular from other African countries that have grappled with the compatibility of chiefs and the state. Botswana’s example of a strongly institutionalized chiefly representation in the form of a House of Chiefs proved especially stimulating for the South Sudanese debate on the issue as the Swiss-sponsored Gurtong project for a number of years ran a special website dedicated to the idea of a House of Nationalities¹⁵⁴⁴, arguing among other things that it would serve to “counteract the tyranny of the majority, the democratic deficit”¹⁵⁴⁵. As a consequence, chiefs and civil society representatives visited Botswana in 2003 and in 2006 expanded the study tour to include South Africa and Ghana in addition to Botswana¹⁵⁴⁶. These exchanges continue in the present as (with Swiss aid) councils of traditional leaders (COTAL) are being established in most states of South Sudan¹⁵⁴⁷.

6.4.4. The swollen centralized state in South Sudan – at a glance

It is quite clear that South Sudan is presently not a federal state whatever the constitution or legal documents may claim. Authority and especially resources are concentrated in the hands of a select few institutions and people that all reside in and operate from Juba. The states and even more so the counties are better portrayed as extensions of the executive, as local tools to carry out the national government’s bidding. They do not have the means to actively shape local or state affairs and, more importantly, are in reality accountable more to the national government than to their nominal constituents as the executive has the prerogative of dismissing and appointing officeholders largely at will. The presence and strength of chiefs and other traditional authorities on the level of local governance is testament to the weakness of their counterparts in the official structures and institutions of local government who are deliberately shunned by the higher-ups in Juba that prefer direct links to local communities. The role of chiefs in all of this is highly ambiguous as they are in a position of mediator between people and government. Chiefs have thus been instrumentalized by the executive and they have themselves instrumentalized the state and its representatives in a mutual barter for local and national influence that has circumvented and cut out the newly erected administrative edifice.

However, these centralizing developments ought to be seen in the light of the specific circumstances South Sudan finds itself in. In a context of a general lack of state control over its nominal territory, a territory that the state moreover only very recently has begun to govern in a civilian as opposed to

¹⁵⁴² *Sudan Tribune*, “Elders seek removal of N. Bahr el Ghazal governor”, 16 March 2013, <http://www.sudantribune.com/spip.php?article45852> (accessed: 17 March 2013).

¹⁵⁴³ Thomas. *Decisions and Deadlines* (2010), p. 13.

¹⁵⁴⁴ www.houseofnationalities.org.

¹⁵⁴⁵ Run, R. Mou, “Why House of Nationalities is Necessary in Souyth [sic] Sudan”, *Gurtong*, 14 February 2011, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/4871/categoryId/24/Why-House-Of-Nationalities-Is-Necessary-in-South-Sudan.aspx> (accessed: 16 September 2011).

¹⁵⁴⁶ Soux (2010), p. 16.

¹⁵⁴⁷ Prah (2013).

military form of rule, the calls for decentralization are probably premature if the aim of statebuilding is to build a coherent state. While the national government is certainly lacking in terms of oversight and capacity, the state level is in fact much worse off given that most capable staff drifts towards the centre of authority in Juba. Even in an environment that – unlike South Sudan – does not have the acrimonious history of the debate over redivision (*kokora*), a debate still very much on people's minds, delegating authority in a situation of building a cohesive commonwealth is probably not a good idea. This is especially true considering that Equatorian ethnic groups, though also in local competition amongst each other, increasingly try to speak with a unified voice in matters of national concern. Moreover, the strength of tribal affiliations that have come to the fore in the course of the often acrimonious procedure of county delineation and demarcation and that also shape political discourse nationally are a worrying sign for the cohesion of South Sudan as nation-state.

6.5. The South Sudanese state vis-à-vis the African postcolonial state

Looking once again at the South Sudanese state as it presents itself to the observing eye, it becomes apparent that the new state's experience in many areas resembles quite closely the typified African state of the postcolonial era but there are also important divergences from the typology of the African state developed in chapter 4.1. As one of the objectives of this research project is to analyze South Sudan's evolution in relation to this newly developed typology, this part seeks to work out where and in what facets South Sudan agrees with or differs from the typified African nation-state.

The hybrid quasi state is the area in which the typology of postcolonial African nation-states and the case of South Sudan most closely align with one another. South Sudan clearly lacks a monopoly of violence, is unable to control its borders and faces several alternative violence actors on its territory, both national and international, state and non-state. The same goes for the non-performing aspect of the illegitimate state: the South Sudanese state is either not present at all and delegates tasks to NGOs or traditional authorities or, where it is present, does not fulfil its nominal tasks in, say, health care or education – though the extent to which the South Sudanese state absolves itself of the task of caring for its citizens is rather exceptional compared to the typified African state. The *de facto* one-party state or *movement state* in which party and state, SPLM and GoSS blend into one is just as characteristic for other countries that had to fight a war of liberation and where opposition is organized and finds expression primarily inside rather than outside the governing party. In spite of the lack of democratic accountability and tangible benefits, however, the government in Juba, in contrast to other governments in Africa, is generally deemed legitimate by the majority of South Sudanese because it is credited with bringing about independence from the North.

Privatization of state resources by individuals usually high up in the state structure for the benefit of their (extended) family is equally a pervasive trait of South Sudan's state structure as it is in the typified African state. Corruption manifests itself in most interactions with the state and is enabled and facilitated by the economic and budgetary dependence on oil. The country is thus subject to the same resource curse that affects other resource-rich countries on the continent and the same melange of disgust and resignation in popular attitudes towards corruption. In contrast to the large neopatrimonial networks of dependence that characterize the typified African state, in South Sudan most of the illegally appropriated state funds are funnelled either only to the extended family or to a very targeted localized group of supporters for each individual politician or power-broker. The same somewhat atypical collusion between local traditional authorities and politicians in Juba can also be

observed in the actual functioning of decentralization in South Sudan. Generally, like in a typical African state, authority and resources are concentrated in the hands of a small group of members of government in the capital and devolution only takes place on paper. Due to the weakness of local government structures, however, members of the central government see the need to maintain close ties to the people on the ground and sideline the official administrative structures in favour of chiefs which thereby reclaim some of the authority lost during the long war. This partial rehabilitation of traditional authorities as a semi-official part of the state is again akin to the typified African state. On the other hand, since the state is not present in the countryside, locals turn instead to traditional authorities, which is a typical trend in most African states. The multiplication of counties and other units of local government is equally a typical feature of contemporary African states and South Sudan also resembles quite uncannily the evolution of Nigeria and other highly ethnically diverse states in terms of continuous administrative subdivision into ever smaller entities from a single region to three sub-regions to ten states.

7. The nation and nationbuilding in South Sudan

The construction of a national identity and a concept of the South Sudanese nation that all or most of the nascent state's inhabitants can adhere to, is a subject matter that does not only feature in external (academic) assessments of the needs on the ground but also plays a prominent role in proclamations, speeches and opinion pieces in South Sudan's public space itself. The highly fluid political and social situation in South Sudan over the last few decades of war and the slow and uneven transition to a state of peace make the question of a common identity very salient. With independence attained the lack of an enemy may prove a major challenge to unity in South Sudan.

At the same time, an overriding theme in much theoretical work on nationalism and nation-building is the high degree to which nations are constructed as opposed to natural entities. And as characteristically modern creations, national identities are also prone to radical and rapid change and transformation. The object of the following three sub-chapters is therefore to analyze efforts at nation-building and the actual national, ethnic, regional and other identities that impact political decision-making in South Sudan. Therefore, the first section 7.1 is going to look specifically at the content, success, obstacles and alternatives to state-driven nationalism in South Sudan. The second section 7.2 meanwhile will focus on politicized ethnicity and more specifically on alternative sub-national loyalties like ethnic groups while 7.3 will look at the 'new nationalism' and at religion, assess the prevalence of xenophobia and politics of autochthony in the country and the impact of efforts at national reconciliation on national unity. The final section 7.4 is then going to compare and contrast South Sudan's experience with nationbuilding and national identity to that of the typified African nation from Chapter 4.2.

7.1. Inclusive state-driven nationalism in South Sudan

Nation-building in South Sudan can be understood as the process of a newly created nation-state's internal and external self-assertion – in other words, a means to demonstrate sovereignty on the domestic and on the international level. To paraphrase Jeffrey Herbst, nationalism can be a cheap alternative to ensure citizens' adhesion to the nation-state in the absence of state capacity (both fiscal and administrative) to deliver benefits. The South Sudanese state's leaders are keenly aware of the potential of a strong national identity and the dangers associated with its absence. Therefore, state nationalism, i.e. the attempts by the government and associated individuals and institutions to develop and propagate a national identity is crucial to understanding the shape and nature of the evolving nation-state in South Sudan.

This chapter is going to approach the issue of South Sudanese national identity, nationalism and nationbuilding from several different vantage points. To lay out the topic at hand, the first section in 7.1.1 will look into the history of Southern Sudanese alienation and exclusion from the Sudanese nation, which in part prompted the evolution of a collective South Sudanese identity. Subsequently, in 7.1.2 different components of the official narrative of South Sudanese state nationalism will be the focus of analysis as well as obstacles to its realization and propagation. The third section 7.1.3 inspects forms of othering in the attempt to create a unifying national identity in South Sudan, which is followed in 7.1.4 by a brief summary.

7.1.1. From Sudanese nationalism to South Sudanese nationalism

South Sudan's history is a difficult concept once the historical gaze crosses the threshold of 2011 and investigates the pre-independence history of the region and its inhabitants. The matter becomes yet more complicated when what is at stake is the *national* history of South Sudan that is supposed to develop into a point of identification for the young state's citizens. Yet, a critical feature of Sudanese as well as South Sudanese nationalism has been its top-down nature which is especially intriguing for South Sudan since it only obtained statehood in 2011. This section will therefore seek to illuminate the historical record of South Sudanese national history and collective identity by showing in 7.1.1.1 the specific traits of Sudanese nationalism and in 7.1.1.2 how Sudanese nationalism excluded South Sudanese from the Sudanese nation. 7.1.1.3 then describes John Garang's aborted pan-Sudanese vision for a united 'New Sudan' before the subsequent section turns to nationalism in contemporary South Sudan.

7.1.1.1. Sudanese nationalism

South Sudanese nationalism is intrinsically an anomalous case because Sudan, the country South Sudan seceded from, is itself postcolonial and Sudanese nationalism was shaped by anticolonial sentiments against the British and, to a lesser extent, the Egyptians. Sentiments that echo many South Sudanese's feeling of antagonism against the state and nation of Sudan. Therefore, the first step to grasping and understanding the development and present-day shape of South Sudanese national identity or identities is to take in the long and varied history of deliberate alienation, subordination and exclusion of South Sudanese from the Sudanese nation.

While Southern ethnic groups had been successful in repelling expansionist designs by the Funj Sultanate based in Sinnar in the 17th and 18th centuries¹⁵⁴⁸, ever since the Turco-Egyptian conquest that begun in 1821 Southern Sudan's history has been intricately linked with that of its Northern neighbours, who for long periods doubled as the South's rulers. Since the last British colonial administrator left the country in 1956, Sudan's political, economic and social fabric has been dominated by the riverain elite from central Sudan¹⁵⁴⁹, an elite which is both proudly Arab and Muslim.

Prior to the 20th century, a Sudanese national identity had not existed as people identified by ethnic or sectarian belonging. In much of the North, however, the unifying bond of Arab language and culture and Islamic creed, which had been fortified during the Turkiyya¹⁵⁵⁰, helped to overcome these differences as Sudanese nationalism arose aided by the *tariqat*, the Islamic sects, in the years after the First World War¹⁵⁵¹. The origins of Northern Sudanese nationalism can be traced to the specific environment of Gordon College in Khartoum during the 1920s and 1930s where the groundwork for

¹⁵⁴⁸ Kramer, Robert S.; Lobban, Richard A. and Fluehr-Lobban, Carolyn (eds.) *Historical Dictionary of the Sudan*. 4th edition. Plymouth: Scarecrow Press, 2013, p. 394.

¹⁵⁴⁹ Khalid, Mansour. *The Government They Deserve: The Role of the Elite in Sudan's Political Evolution*. London: Kegan Paul International, 1990, p. 11.

¹⁵⁵⁰ McHugh, Neil. *Holy men of the Blue Nile: The Making of an Arab-Islamic Community in the Nilotic Sudan, 1500-1850*. Evanston: Northwestern University Press, 1994, p. 187.

¹⁵⁵¹ Abd AlRahim, Muddathir, "Arabism, Africanism, and Self-Identification in the Sudan", *The Journal of Modern African Studies*, Vol. 8, No. 2, July 1970, pp. 233-249, p. 239, 241.

Sudanese nationalism in an independent Sudan was laid¹⁵⁵². While it is debatable if it was in fact the colonial government which chose and established the group habitus of Northern Sudan's dominant group as the essence of a future Sudanese nation¹⁵⁵³, it is widely accepted that Sudanese nationalism blossomed and took root only in the areas of capitalist industrial development but left the South largely untouched¹⁵⁵⁴. Still today, Arabs from the central region around Khartoum have overwhelming influence on the shape of the country's cultural identity¹⁵⁵⁵.

For the Northern elite, the nation inhabiting the envisioned nation-state of Sudan was to adhere or at least aspire to an ideal embodied by Islam and Arab identity, which had to be spread to and superimposed upon the non-Arab and/or non-Muslim peoples of the Sudan¹⁵⁵⁶. Northerners were looking to an idealized Islamic past for pride and inspiration and not to the African present¹⁵⁵⁷. This backward-looking discourse concentrates squarely on the Arab conquest and the concomitant entry of Islam into Sudan which began with attacks on the Christian empire of Nubia in the 7th century¹⁵⁵⁸. As a consequence, Northern Arabs are particularly eager to accentuate their Arabness in order to defy association with Africa and blackness, which are deemed backward and of inferior worth¹⁵⁵⁹. As Riek Machar, vice-president of South Sudan from 2005-2013, argued in 1995: "The crisis of national identity is a creation of North Sudan which defines the Sudanese identity in Arab and Islamic terms"¹⁵⁶⁰.

Sudan has frequently been referred to as a bridge between sub-Saharan Africa and Arab North Africa but the bridge's abutments have been built on sandy ground. As Toynbee wrote in the 1960s:

The problem of the two Sudans is the problem of the two Africas on a miniature scale; and therefore the Sudan holds Africa's destiny, as well as her own destiny, in her hands. If she can succeed in reconciling the two elements in her own population, she will have piece of constructive work for the continent as a whole. If the conflict in the Sudan becomes acute and chronic, this will heighten the tension between the two Africas everywhere¹⁵⁶¹.

¹⁵⁵² Sharkey, Heather J., "Colonialism, Character-building and the Culture of Nationalism in the Sudan, 1898-1956", in Le Sueur, James D. (ed.) *The Decolonization Reader*. New York & London: Routledge, 2003, pp. 218-235.

¹⁵⁵³ Abdelhay, Ashraf, "A critical commentary on the discourse of language rights in the Naivasha language policy in Sudan using habitus as a method", *International Journal of the Sociology of Language*, No. 206, 2010, pp. 21-45, p. 28.

¹⁵⁵⁴ Markakis (1999), p. 67.

¹⁵⁵⁵ Lesch, Ann Mosely. *The Sudan: Contested National Identities*. Indiana Series in Middle East Studies. Oxford: James Currey, 1998, p. 15.

¹⁵⁵⁶ Kevane presents a telling example of what these political dogmas amounted to in practice. In a comparative study on national representations on stamps, he finds that the iconography of Sudanese stamps was exclusively Arab and Muslim and showed no Southerners. Kevane, Michael, "Official Representations of the Nation: Comparing the Postage Stamps of Sudan and Burkina Faso", *African Studies Quarterly*, Vol. 10, No. 1, Spring 2008, pp. 71-94.

¹⁵⁵⁷ Beshir, Mohamed Omer. *The Southern Sudan: Background to conflict*. London: Hurst, 1968, p. 134.

¹⁵⁵⁸ Hasan, Yusuf Fadl. *The Arabs and the Sudan*. Edinburgh: Edinburgh University Press, 1967, p. 18-19.

¹⁵⁵⁹ Deng, Francis M. *Green is the Color of the Masters: The Legacy of Slavery and the Crisis of National Identity in Modern Sudan*. Gilder Lehrman Center for the Study of Slavery, Resistance and Abolition, Yale University, New Haven, 23 October 2004, p. 12.

¹⁵⁶⁰ Machar, Riek. *South Sudan: A History of Political Domination – A Case of Self-Determination*. Philadelphia: University of Pennsylvania, African Studies Centre, 1995.

¹⁵⁶¹ Toynbee, Arnold Joseph. *Between Niger and Nile*. London: Oxford University Press, 1965, p. 6.

Clearly, Sudan has not succeeded in reconciling this difference. Alex de Waal emphasized how Sudanese nationalism was riddled “with an immense debt of suspicion to be paid off before any collective capital can be accumulated”¹⁵⁶². As a consequence of its violent and divisive history, there is a lack of symbols of national unity. The Mahdi’s rise and rule, for instance, are a measure of pride for many Northern Arab Sudanese whereas in the South the *Mahdiyya* is recalled with horror as the ‘spoiling of the world’¹⁵⁶³.

Northern Sudanese, however, only rarely acknowledged the unease that their preferred narrative of Sudanese national history aroused in parts of the ‘national’ community, in particular in the South. On the contrary, Northern academics’ standard explanation for the ‘Southern Problem’ (readily adapted by Northern politicians) was that Britain was to blame for disrupting what had been a natural process of gradual Arabization and Islamization in Southern Sudan. Abbas Ibrahim Muhammad Ali, head of Khartoum University’s history department in the 1970s, even argued that general Charles George “Gordon was the first initiator of what is now called the ‘Southern Problem’” by forcing Northern Sudanese out of the Southern provinces as far back as the 1870s¹⁵⁶⁴. In contemporary Sudan, South Sudanese that are Christian or Animist are frequently called ‘lost brothers’ who – that is the thinking – would have become Muslims were it not for the interference of white colonialists¹⁵⁶⁵.

However, the real reason why the national identity developed and espoused by the Northern riverain elite did not manage to win widespread acceptance in the South and other parts of the country (Darfur, Eastern Sudan, Nuba Mountains) is its exclusive, discriminatory, racist and forcibly homogeneous design which is utterly incongruous with the empirical reality of a highly diverse and plural country and society in Sudan. The political imbalance of power drove the sense that what was happening in the country was “a hegemonic attempt of the ‘Arab’ north to impose its political, economic and social identity upon the whole state of Sudan”¹⁵⁶⁶. As Flint and de Waal point out for Darfur, the concern of the people was not about being or becoming Sudanese – generations of political and cultural change had accomplished that – but about the fact that the Khartoum government did not treat them as proper citizens¹⁵⁶⁷.

7.1.1.2. *Alienation of South Sudanese within Sudan since independence in 1956*

This treatment of the population as subjects rather than citizens is especially relevant to Southern Sudan because “[e]xclusion from power and relative resource deprivation serves to heighten the cultural identity and solidarity of subordinate groups”¹⁵⁶⁸. Southerners’ exclusion is far from a recent phenomenon. In fact, the problem of the South has arguably been an integral component of Sudan’s

¹⁵⁶² de Waal. *Sudan: What kind of state?* (2007).

¹⁵⁶³ Deng, Francis M. (2004), p. 18.

¹⁵⁶⁴ Ali, Abbas Ibrahim Muhammad. *The British, the Slave Trade and Slavery in The Sudan: 1820-1881*. Khartoum: Khartoum University Press, 1972, p. 130.

¹⁵⁶⁵ Jok, Kuel Maluil. *Conflict of National Identity in Sudan*. Academic Dissertation, Department of World Cultures, University of Helsinki, 2012, pp. 56-57. Mamdani pursues this line of thinking to its logical culmination point, which is much less palatable to Northern nationalists: in his reading of Sudan’s history, both Northerners and Southerners are the products of colonial social and political engineering. Mamdani, Mahmood. *Saviors and Survivors – Darfur, Politics, and the War on Terror*. New York: Pantheon Books, 2009, p. 178.

¹⁵⁶⁶ Rycx, Jean Francois, “The Islamisation of law as a political stake in Sudan”, in Woodward, Peter (ed.) *Sudan after Nimeiri*. London: Routledge, 1991, pp. 139-143, pp. 142-3.

¹⁵⁶⁷ Flint, Julie and de Waal, Alex. *Darfur: a Short History of a Long War*. London: Zed Books, 2005, p. 16.

¹⁵⁶⁸ Markakis (1999), p. 75.

very existence as a nation and effectively goes back to Muhammad Ali's conquest of the Sudan which was driven by the explicit demand for 'Negro soldiers'¹⁵⁶⁹.

The fate of the south was that common to peripheral regions, determined in part by geography, reinforced by colonial economic priorities and mismanagement, overlain by a legacy of slavery and consequent spectre of exploitation, and enforced by religious and racial aspects of Northern Sudanese nationalism.¹⁵⁷⁰

In part, the narrowness and lack of inclusion of Sudanese nationalism can be blamed on the fact that control over Sudan was handed over rather smoothly from Britain to the urban nationalists as a result of British attempts to prevent Egypt from gaining control over the Sudan. "The 'nationalists' in the urban centres thus did not have to fight for independence, and did not seek to identify common interests and forge alliances with other groups throughout the country to achieve this end, as other African nationalists had to do throughout Africa in the 1940s and 1950s"¹⁵⁷¹.

Northern intellectuals – much like many of their contemporaries in other newly created African states – were thus widely deluded in thinking that ethnic differences would simply fade away over time in the melting pot of one Sudanese identity¹⁵⁷². Accordingly, the Sudan's endemic crisis of governance has been ascribed to "the contradiction of trying to rule what the rulers believe is a nation-state, in pointed disregard of the realities of a pluralist society which is the Sudan"¹⁵⁷³. Yet, throughout its 55 years of existence Sudan has never been a genuine nation-state¹⁵⁷⁴ as the attempt to impose cultural homogeneity throughout the Sudan's vast territory failed dramatically. Not least because of "the obdurate refusal of northern Sudanese elites to allow the emergence of a postcolonial ideology of 'Sudanism'"¹⁵⁷⁵ to replace their parochial preference for Arabic identity.

Instead, exclusion from the officially sanctioned idea of the Sudanese nation-state has contributed mightily to Southern Sudanese's sense of commonality: "their shared southern Sudanese identity is a product of a history of integration into and exclusion from a nation-state dominated by northerners and Islamists who considered them primitive unbelievers"¹⁵⁷⁶. Moreover, appeals to nationalism or religion are insufficient to mask and overcome the stark inequalities in access to resources and opportunities that are rooted in the extreme concentration of power in the centre¹⁵⁷⁷. The pyramid of social stratification in Sudan was headed by an Arab-Muslim ruling class from the North, followed by an Arab-Muslim middle class along with some Western and Southern Sudanese and, finally, Northern peasants and urban workers together with nomads and marginalized Western and most

¹⁵⁶⁹ Prunier (1989), p. 381.

¹⁵⁷⁰ Daly (1991), pp. 380-81.

¹⁵⁷¹ Johnson, Douglas H. *The Root Causes* (2011), p. 128.

¹⁵⁷² A/Salam, Elfatih A., "The politicization of ethnic sentiments in the Sudan: Implications for nationbuilding", *Journal of Third World Studies*, Vol. 25, No. 1, 2008, pp. 111-135.

¹⁵⁷³ Kok (1996), p. 555.

¹⁵⁷⁴ Assal (2011), p. 2.

¹⁵⁷⁵ Iyob, Ruth, "The Foreign Policies of the Horn: The Clash Between the Old and the New", in Khadiagala, Gilbert and Lyons, Terrence (eds.) *African Foreign Policies: Power and Process*. Boulder: Rienner, 2001, pp. 107-129, p. 109.

¹⁵⁷⁶ Akot (2006), p. 77.

¹⁵⁷⁷ Yongo-Bure, Benaiah, "Marginalization and War: From the South to Darfur", in Hassan, Salah M. and Ray, Carina E. (eds.) *Darfur and the Crisis of Governance in Sudan. A Critical Reader*. Ithaca, NY: Cornell University Press, 2009, pp. 68-83, p. 81.

Southern Sudanese at the bottom¹⁵⁷⁸. In the early 2000s, an anonymously published 'Black Book' spread and popularized the awareness of discrimination in Sudan by presenting statistics that documented the underrepresentation of marginalized ethnic and regional groups in Sudan's politics and economy¹⁵⁷⁹. Southern Sudanese economic discrimination actually dated to the colonial period when demand for wage parity was in fact one of the key elements of Southern activism¹⁵⁸⁰.

Apart from economic and political exclusion, however, racial discrimination played a major part in driving Southern Sudanese away from the Sudanese state and nation. "Those who are considered Arabs by the racialized state are treated as citizens and those who are perceived as non-Arabs are treated as subjects"¹⁵⁸¹. This designation of different degrees of belonging to the nation based on people's 'Arabness' is an experience South Sudan shares with other countries along the so-called Afro-Arab border area that crosses the Sahel zone from East to West, with Mauritania an especially good comparison¹⁵⁸². In an epilogue to pre-secession Sudan, Sondra Hale argues that the constant everyday presence of racism in relations between Northerners and Southerners and other marginalized groups led to a "lack of a sense of belonging, unstable citizenship, and constant alienation"¹⁵⁸³. An example are Sudanese passports that, controversially, contain information about a person's skin colour but do not allow individuals to record their skin colour as 'black' because passports and other official documents only know the colour 'brown'¹⁵⁸⁴. A key factor in this respect is the mutual memory of slavery and slave raiding in the South, with *abid* (slave) a common colloquial term employed in the North to refer to Southerners¹⁵⁸⁵. These perspectives can be traced to the mid-19th century when "during the Turkiyya the slave population in the North was drawn very largely from the southern Sudan, and in the popular mind slaves and 'blacks' were synonymous"¹⁵⁸⁶.

The experience and memory of slave raiding thus does not belong to a distant past shrouded in myth but has had direct bearing on conflict in Sudan and on collective Southern Sudanese identification¹⁵⁸⁷. Ibrahim, for instance, traces the roots of both the first and second civil war in Sudan to the extensive Nilotic slave trade that started in the early 19th century¹⁵⁸⁸ and Dunstan Wai depicts Sudan in the first half of the 20th century as a country that exhibited "already a deeply rooted

¹⁵⁷⁸ El-Battahani, Atta, "Tunnel Vision or Kaleidoscope: Competing Concepts on Sudan Identity and National Integration", *African Journal of Conflict Resolution*, Vol. 7, No. 2, 2007, pp. 37-61, pp. 56-57.

¹⁵⁷⁹ Cobham, Alex, "Causes of Conflict in Sudan: Testing the Black Book", *The European Journal of Development Research*, Vol. 17, No. 3, September 2005, pp. 462-480.

¹⁵⁸⁰ Ibrahim, Abdullahi A., "Sudan Nationalism or Sudan Nationalisms?", *Respect, Sudanese Journal for Human Rights' Culture and Issues of Cultural Diversity*, No. 11, November 2009, p. 10.

¹⁵⁸¹ Idris, Amir H. *Conflict and Politics of Identity in Sudan*. New York: Palgrave Macmillan, 2005, p. 83.

¹⁵⁸² Ajuok, Albino Deng, "Response of Southern Sudanese Intellectuals to African Nationalism", *The Journal of Pan African Studies*, Vol. 2, No. 5, July 2008, pp. 130-141, p. 136.

¹⁵⁸³ Hale, Sondra, "And Then There Were Two: What Is 'Sudan' Now?", *International Journal of Middle East Studies*, Vol. 44, No. 2, 2012, pp. 321-323, p. 322.

¹⁵⁸⁴ Jok, Kuel Maluil (2012), p. 135.

¹⁵⁸⁵ Gray, Richard, "The Southern Sudan", *Journal of Contemporary History*, Vol. 6, No. 1, 1971, pp. 108-120, p. 117.

¹⁵⁸⁶ Johnson, Douglas H. *The Root Causes* (2011), p. 6.

¹⁵⁸⁷ Another area/group in Sudan outside the South that also suffers from the same association with slave-status are the inhabitants of the Nuba Mountains, many of whom fought with the SPLA until 2005. Manger, Leif, "Building Peace in the Sudan – Reflections on Local & Regional Challenges", in Shanmugaratnam, Nadarajah (ed.) *Between war & peace in Sudan & Sri Lanka: deprivation & livelihood revival*. Oxford: James Currey, 2008, pp. 27-40.

¹⁵⁸⁸ Ibrahim, Hassan Ahmed, "The Strategy, Responses and Legacy of the First Imperialist Era in the Sudan 1820-1885", *The Muslim World*, Vol. 91, Nos. 1-2, 2001, pp. 209-228, p. 221.

mutual hatred and distrust between the people as a result of memories of Arab slave raids into the South before and during the Anglo-Egyptian military occupation of the Sudan¹⁵⁸⁹. The Mahdiyya certainly marked a tipping point for Southern attitudes towards the North and Northerners, which in Southern collective memory were henceforth considered threatening and a potential source of danger¹⁵⁹⁰. Later, the use of extreme violence with which Southern Sudanese were confronted in the aftermath of independence only “deepened the identity cleavage between the two parts of the country and strengthened the image of northerners as colonialists in national garb”¹⁵⁹¹. Therefore, shortly before the independence referendum, Pagan Amum, at the time GoSS Minister of Peace and CPA Implementation, could rightly claim that “[s]ecession is favoured by South Sudanese because the Sudanese state has been built around excluding them – it was not built to realise their aspirations”¹⁵⁹².

7.1.1.3. John Garang’s ‘New Sudan’ vision

The very fact that today we are speaking of an independent South Sudan that seeks to develop and popularize its own peculiar vision of nationhood and national history is not only owed to the failure of Sudanese nationalism but also the demise and disowning of the SPLM’s erstwhile ideological centrepiece: the vision of New Sudan. While the Anya-nya, in spite of a great number of internal rifts and divisions, had been united in their call for Southern independence, the Sudan People’s Liberation Movement of John Garang fought on a radically different philosophical platform. “New Sudan” became the official aim and objective of the SPLM’s struggle and entailed a liberation and emancipation of the entire country rather than merely the South¹⁵⁹³. Even the movement’s name is indicative of the focus on a unified Sudan as “Sudan *People’s* Liberation Movement” implicitly assumes that there is *one* Sudanese people that can be liberated¹⁵⁹⁴.

However, it is highly questionable that the shift away from secessionism can be attributed, as Leach believes, to the fact that “the few integration attempts made during [the SRG] period may have successfully altered concepts of identity for southerners”¹⁵⁹⁵. Given his premature death in a helicopter accident in 2005, it is impossible to ascertain but it appears at least probable that the impetus behind John Garang’s proclamation of the New Sudan vision was at least in part motivated by strategic considerations¹⁵⁹⁶.

¹⁵⁸⁹ Wai (1980), pp. 394-5.

¹⁵⁹⁰ Lesch (1998), pp. 28-29.

¹⁵⁹¹ Deng, Francis. *War of Visions: Conflict and Identities in the Sudan*. Washington, DC: The Brookings Institution, 1995, p. 136.

¹⁵⁹² The Brenthurst Foundation. ‘*Everything is at Zero: Beyond the Referendum – Drivers and Choices for Development in Southern Sudan*’. Marshalltown: Discussion Paper, May 2010, p. 5.

¹⁵⁹³ Madut-Arop tells the story that when the Southern rebels congregated in Ethiopian refugee camps in the early 1980s, they were told to write a manifesto outlining their programme as a precondition for being received by Haile Mengistu Mariam, the Ethiopian president. Akuot Atem, preliminary chairman of the Southern Sudanese, wrote a draft, which was rejected on the grounds that it called for Southern independence, which was unacceptable to the regime in Addis. In turn, Joseph Oduho suggested that John Garang write a draft, which eventually became the SPLM Manifesto. Madut-Arop, Arop. *Sudan’s Painful Road to Peace: A full story of the founding and development of SPLM/SPLA*. Charleston: BookSurge Publishing, 2006.

¹⁵⁹⁴ Incidentally, the SPLM’s official website is headed by a banner that read “Sudan *Peoples’* Liberation Movement” [my emphasis], <http://www.splmtoday.com/> (accessed: 10 May 2014).

¹⁵⁹⁵ Leach (2012), p. 37.

¹⁵⁹⁶ Garang had already moved away from his stance on secession during the South-South fighting of the 1990s when he and Riek Machar signed the Washington Declaration in October 1993 that prescribed Southern self-

For one, setting regime change rather than secession as the ultimate goal was certain to please the Communist Derg regime in Ethiopia, the SPLM's foreign backers and sponsors up until 1991, which were faced with their own secessionist rebel army in Eritrea and were loath to encourage a precedent in the immediate neighbourhood¹⁵⁹⁷. In addition, a national instead of a regional platform promised to be more attractive to marginalized groups outside of Southern Sudan, in particular the Nuba, Beja and Fur. In terms of creating a popular idea of a national group that Southerners would be keen to adhere to, New Sudan was not as successful because its precise contents were not only confusing but arguably detrimental to the maturing sense of nationalism in the South¹⁵⁹⁸. Similarly, the shift from propagation of 'New Sudan', which on paper was still a core part of the 2008 SPLM Manifesto¹⁵⁹⁹, to independence occurred very suddenly without communicative preparation and effectively meant that the movement deserted those members and allies of the SPLM that were left stranded North of the nascent border with Sudan.

7.1.2. Official nationalism in contemporary South Sudan

A crucial factor for contemporary South Sudanese is to establish, write or re-write their national history, which is to form the basis of a separate South Sudanese national identity to be disseminated throughout society, for instance by being part of school curricula. South Sudanese politicians and intellectuals are largely guided by the implicit or explicitly stated assumption of nationalism's functionality; i.e. the growth of a national idea and identity is said to fulfil the dual function of a) establishing cohesion among inhabitants of a territorial unit, while b) providing orientation for the individual. Having established an independent state for the first time after decades of struggle, South Sudan is in a position where it has to replace the void left by the common enemy – the Arab North – with a national identity centred on a positive idea of collectivity. And indeed, the "government, through frequent presidential speeches and preparation/promotion of the Vision 2040 document, clearly places great importance on creating citizen's ownership of the new 'nation'"¹⁶⁰⁰. The inverted commas surrounding the 'nation', though, are a good indication of the scepticism that abounds among international observers to what extent the peoples of South Sudan actually constitute an imagined collectivity.

Such scepticism appears well-founded when we consider the substantial rift and break with the past that decades of war and the deaths and dispersal of millions of South Sudanese have entailed. In the words of Salam and de Waal:

determination as the ultimate goal. Collins, Robert O., "Africans, Arabs, and Islamists: From the Conference Tables to the Battlefields in the Sudan", *African Studies Review*, Vol. 42, No. 2, 1999, pp. 105-123, p. 117. Salman argues that it was in late 1991 in Torit that the SPLM/A for the first time acknowledged self-determination as a possible outcome of their struggle for a New Sudan. Salman, Salman M.A., "South Sudan Road to Independence: Broken Promises and Lost Opportunities", *Global Business & Development Law Journal*, Vol. 26, 2013, pp. 343-414, p. 380.

¹⁵⁹⁷ Young, John, "Sudan: The Incomplete Transition from the SPLA to the SPLM", in de Zeeuw, Jeroen (ed.) *From Soldiers to Politicians. Transforming Rebel Movements after Civil War*. Boulder: Lynne Rienner, 2008, pp. 157-178, p. 159.

¹⁵⁹⁸ Hutchinson, Sharon E., "A Curse from God? Religious and Political Dimensions of the Post-1991 Rise of Ethnic Violence in South Sudan", *The Journal of Modern African Studies*, Vol. 39, No. 2, June 2001, pp. 307-331, p. 311.

¹⁵⁹⁹ SPLM. *The SPLM Manifesto*. May 2008, p. 13.

¹⁶⁰⁰ OECD (2011), p. 34.

The collective memory and social cohesion that maintained the cultural archive has been battered by decades of destruction and displacement. Old people, who are the living libraries of Southern Sudan cultures, have died without being able to hand on their lore and experience to the younger generation.¹⁶⁰¹

A second problem is the paucity of written records or other artefacts of the peoples and commonwealths that existed prior to the Ottoman conquest. While scholarship has gradually moved away from Arkell's blanket claim that "what is known as the southern Sudan today, has no history before A.D. 1821"¹⁶⁰² and oral historiography and archaeological work is underway to unearth tangible traces of the past, there is still truth in Theobald's dictum from the 1950s that "[o]f the humble, obscure lives of the southern Sudanese through the centuries, no written record remains"¹⁶⁰³.

In South Sudan, there is thus no easy choice of national historical narrative, nor is there agreement over which particular aspects and facets of history to choose and endorse. For one, throughout history Southern Sudan has never been a state or a self-governing entity with borders even remotely reminiscent of the current state. While the Zande, for instance, possessed a sophisticated hierarchical state structure in pre-colonial times, the reach and expansion of its realm never came close to covering the present-day state¹⁶⁰⁴. Other ethnic groups like the Dinka and Nuer (the two largest ethnic groups) were and are acephalous societies with a dispersed horizontal structure of authority¹⁶⁰⁵. Moreover, none of the ethnic groups in South Sudan is either large or strong enough to dominate historical memory to the exclusion of other minor ethnic groups.

Before looking at which content South Sudanese state nationalism has chosen to endorse, a final preliminary word of caution about academic production of 'knowledge' in this field. Inferring contemporary (self-) definitions of ethnic groups and national collectives into the past is generally inadmissible given that these categories either did not exist or had very different meanings and connotations. Therefore, I agree with Justin Willis' cautioning words in a review of Sarah Beswick's *Sudan's Blood Memory* that when

the jockeying for land, power and position in southern Sudan becomes more intense, some people will turn to this book for historical precedent and explanation. When they do so, they may deduce from it [...] that ethnicity is immutable and conflict inevitable, and that the Sudan is irrevocably and multiply divided by its past.¹⁶⁰⁶

A similar point can be made with respect to Douglas Johnson's remarks – especially since they came in a presentation entitled *A New History for a New Nation: The Search for South Sudan's Usable Past* – in which he says that "it is certainly reasonable to conclude that ancestral Western Nilotic speakers lived far beyond the present disputed borders of South Sudan and that not all of them left in the

¹⁶⁰¹ Salam, A. H. Abdel and de Waal, Alex. *The Phoenix State: civil society and the future of Sudan*. Trenton, NJ: Red Sea Press, 2001, p. 189.

¹⁶⁰² Arkell (1955), p. 2.

¹⁶⁰³ Theobald, Alan B. *The Mahdiya: A History of the Sudan 1881-1899*. London: Longmans, Green and Co, 1951, p. 6.

¹⁶⁰⁴ Evans-Pritchard (1963).

¹⁶⁰⁵ Beswick, Stephanie. "Islam and the Dinka of the Southern Sudan from the pre-colonial period to independence (1956)", *Journal of Asian and African Studies*, Vol. 29, No. 3/4, July 1994, pp. 172-185, p. 178.

¹⁶⁰⁶ Willis, Justin, "Review article: The Dinka and History", *The Journal of African History*, Vol. 46, No. 2, July 2005, pp. 340-341, p. 341.

grand migrations now told to explain the peopling of South Sudan”¹⁶⁰⁷. Irrespective of the truth of this claim, the fact that it was uttered by one of the preeminent authorities on Sudan lends itself to being used by South Sudanese politicians, intellectuals, journalists to bolster irredentist claims to territory currently part of Sudan¹⁶⁰⁸. As much as academics want to reach an audience beyond academia, anyone writing about South Sudanese history has to be aware that his or her assessments may serve to impact political events on the ground in ways unforeseen by the author.

State nationalism in South Sudan has several noteworthy aspects that also work to structure this section: initially, in 7.1.2.1 the idealisation of Southern resistance and especially the SPLA’s heroic role in the ‘war of liberation’ will be the subject of interest. This will be followed in 7.1.2.2 by the multicultural ideal of unity-in-diversity before 7.1.2.3 looks at language politics and symbolism surrounding the official use of English, (Juba) Arabic and the vernacular languages.

7.1.2.1. *History of resistance and the ‘heroic war of liberation’*

Finding an alternative to the ideal of ‘New Sudan’ is not an easy task for would-be nationbuilders in contemporary South Sudan. Although some had expected that as soon as independence was achieved, South Sudanese would be free of their inferiority complex and “experience total liberation from an identity crisis”¹⁶⁰⁹, this identity crisis is still with South Sudan and South Sudanese in 2014. The lack of commonalities between the ‘pagan’ South and the Muslim North was not tantamount to unity or the presence of a collective identity among Southern Sudanese¹⁶¹⁰. Apart from fictional and mythological forebears of contemporary South Sudanese that some like to present as the kernel of South Sudanese history and identity, “South Sudan is only slightly more than a geographical expression. [...] The main glue that binds the country’s multiple ethnicities together is the history of their struggle for freedom and collective opposition to the north”¹⁶¹¹.

History of resistance by South Sudanese

The most promising historical fact, the most common point of reference for a collective Southern entity are joint resistance to various colonial rulers and conquerors from Europe and North Africa. While Shilluk and Bari and later Dinka and Azande had been the first to come into close contact with Turco-Egyptian troops and traders¹⁶¹², and attempts had been made to cope with the threat of slave-raiders by way of cooperation and intermarriages¹⁶¹³, South Sudanese did not lack agency as spearmasters, prophets and other chiefs from across Southern Sudan resisted the successive conquerors of their land. Richard Gray marked the starting point of Southern collective resistance in the 1880s:

¹⁶⁰⁷ Johnson, Douglas H. *A New History for a New Nation: The Search for South Sudan’s Usable Past*. Keynote address given at the 9th International South Sudan and Sudan Studies Conference Bonn, 23-25 July 2012, p. 6.

¹⁶⁰⁸ To be clear, to my knowledge no such attempt has so far been made.

¹⁶⁰⁹ Lokosang, L. B. *South Sudan: The Case for Independence and Learning from Mistakes*. Bloomington: Xlibris, 2010, p. 85.

¹⁶¹⁰ Badal, Raphael Koba, “The Rise and Fall of Separatism in Southern Sudan”, *African Affairs*, Vol. 75, No. 301, Oct. 1976, pp. 463-474, p. 465.

¹⁶¹¹ Jok, Jok Madut. *Diversity, Unity, and Nation Building in South Sudan*. Washington: United States Institute of Peace, Special Report No. 287, October 2011, p. 2.

¹⁶¹² Gray, Richard, “Some Aspects of Islam in the Southern Sudan during the Turkiya”, in Brett, Michael (ed.) *Northern Africa: Islam and Modernization*. London: Frank Cass, 1973, pp. 65-72.

¹⁶¹³ Santschi, Martina. *State-Society interactions: From the Turkiyya to Independence*. Paper presented at the 56th Annual Meeting of the African Studies Association, Baltimore, November 2013.

By the 1880s some of the narrow horizons of traditional tribal animosities were giving way to a fierce united resistance against the alien intruders. In 1884 Dinka and Nuer, under the leadership of a prophet called Donlutj, attacked the Egyptian station at Bor, and the following year Dinka, Aliab, and Mandari pastoralists aided the local Bari in a fierce attack on the stations at Lado and Rejaf.¹⁶¹⁴

In language still reeking of colonial attitudes of superiority, the succeeding period of British administration at the beginning of the 20th century has been described as equally ridden with fierce resistance by Southern tribes “who, proud of their independence, were reluctant to give up their anarchical freedom in return for good government”¹⁶¹⁵.

The degree to which these collective acts of violence resulted in a further-reaching sense of commonality and togetherness is however strongly contested. At the beginning of the 1970s, Gray claimed that a Southern Sudanese identity had until very recently only been a concept prevalent amongst a tiny elite faction of South Sudanese societies¹⁶¹⁶. Heraclides likewise believes that a consciousness of commonality among Southerners as black Africans only arose in the late 1960s whereas only a couple of years prior, Nilotics had referred to other Southerners as *Jur mathiang*, other people¹⁶¹⁷. Directly contradicting this stance is Francis Deng’s contention that a Southern identity was already very much in existence at independence in 1956 and shaped by both a history of resistance to slavery and by Christianity and as such stood in clear opposition to the North’s vision for the nation¹⁶¹⁸.

Deng describes how Dinka identity is shaped by a collective memory of the Turkiyya and Mahdiyya which are remembered as the “time when the world was spoiled”¹⁶¹⁹. These memories then fed into the Torit mutiny in 1955, which subsequently sparked widespread anti-Northern nationalism among Southern Sudanese¹⁶²⁰. During the ensuing Anya-nya rebellion, Southerners were therefore arguably already very conscious of the fact that they had been dominated by colonial powers since the 1840s and were thus fighting an anti-colonial struggle¹⁶²¹. Guarak, whose book is more advocacy than academic treatise, also emphasizes the resistance to the Mahdi by Shilluk and Dinka as a foundational moment and locates the birth of a distinct South Sudanese identity in the 1940s with the 1947 Juba Conference serving as the seminal moment¹⁶²².

The reality beyond nationalist and other tendentious historiography is, however, likely to be more complex and a less mechanic trajectory from isolated ‘tribes’ through joint struggle to collective

¹⁶¹⁴ Gray (1971), p. 118.

¹⁶¹⁵ Collins, Robert and Herzog, Richard, “Early British Administration in the Southern Sudan”, *The Journal of African History*, Vol. 2, No. 1, 1961, pp. 119-135, p. 120.

¹⁶¹⁶ Gray (1971), p. 108.

¹⁶¹⁷ Heraclides (1987), p. 215.

¹⁶¹⁸ Deng, Francis M., “Sudan: A Nation in Turbulent Search of Itself”, *Annals of the American Academy of Political and Social Science*, Vol. 603, Law, Society, and Democracy: Comparative Perspectives, Jan. 2006, pp. 155-162, p. 156.

¹⁶¹⁹ Deng, Francis (1995), p. 73.

¹⁶²⁰ Ibid, p. 96.

¹⁶²¹ Wol Wol, Lawrence. *Réflexions sur la conscience nationale au Sud-Soudan*. Doctoral dissertation, University of Bordeaux-iii, 1971, p. 13.

¹⁶²² Guarak, Mawut Achiecque Mach. *Integration and Fragmentation of the Sudan: An African Renaissance*. Bloomington, IN: AuthorHouse, 2011, p. 29.

identification as South Sudanese¹⁶²³. Far from resisting merely ‘foreign’ invaders like the Egyptians and British, it may in fact be “in the common desire to protect the social relations and productive economy of family, village and cattle-camp from the expanding, corrupting forces of predatory government that a shared Southern Sudanese culture and memory is most apparent”¹⁶²⁴. In the end, it may not matter as much *who* governs but the very fact that somebody *is trying to govern them* which sparks resistance among some South Sudanese.

The ‘glorious war of liberation’

One way that the state attempts to promote the ideal of the nation and nationalism as the overriding sentiment for all citizens of South Sudan is by emphasizing what it portrays as the ‘glorious history of liberation’, i.e. the memory of the long period of civil war in post-1956 Sudan. On the one hand, there is clearly an element of self-serving propaganda involved in this pursuit. The government of South Sudan is dominated by members of the SPLM, whose leadership circle is in turn dominated by former or current soldiers and rebel fighters. Hence, promoting the ‘war of liberation’ as the essence of national identity and key moment in national history is meant to furnish the government with legitimacy while simultaneously buying some time for its policies to show tangible effects on its citizens’ welfare¹⁶²⁵. In addition, the SPLA’s role as the leading faction during the last war against Khartoum is particularly accentuated, with prominence given to the movement’s leader from 1983 to 2005, John Garang.

This form of state nationalism is promulgated through various channels. Clearly visible forms of memorialisation are public monuments and structures that commemorate the war and the many that have died in its course. For instance, a giant statue of John Garang pointing ahead and upwards was unveiled on Independence Day in 2011¹⁶²⁶. John Garang’s mausoleum is meanwhile one of Juba’s largest structures and has become a sort of shrine that locals as well as foreign dignitaries flock to in shows of respect for the late SPLA leader who was far from universally loved when still alive. This line of memorial culture also finds expression in the national flag and national anthem. According to the official chromatic symbolism of the national flag (horizontal layers of black, red, and green), the colour red represents the blood the martyrs have shed for national liberation. In the national anthem, which was composed specifically for independence and selected as the winning composition after a nation-wide competition, one of the anthem’s three stanzas is entirely devoted to the fallen soldiers’ memory:

Let us stand up in silence and respect
Saluting our martyrs whose blood
Cemented our national foundation

¹⁶²³ Douglas Johnson points out that most areas of Southern Sudan were not affected by the Mahdiyya and at worst suffered short-lived incursions by raiding parties. Johnson, Douglas H. (1993), p. 46.

¹⁶²⁴ Leonardi, Cherry, “Paying ‘buckets of blood’ for the land: moral debates over economy, war and state in Southern Sudan”, *Journal of Modern African Studies*, Vol. 49, No. 2, 2011, pp. 215-240, p. 236.

¹⁶²⁵ Frahm, Ole. *Nationbuilding in Nascent South Sudan – How to Remember the War*. Paper presented at the Euroacademia Conference ‘Identities and Identifications: Politicized Uses of Collective Identities, Zagreb, April 2013.

¹⁶²⁶ Birungi, Marvis, “Independence spurs renewed tributes to Garang”, *The Niles*, 16 July 2011, <http://www.theniles.org/articles/?id=929> (accessed: 23 February 2014).

We vow to protect our nation.¹⁶²⁷

In addition to the physical manifestations of commemoration – especially important to a country with an illiterate majority – official celebrations and national holidays are tied into the fabric of heroism and war. On Independence Day in 2012, President Salva Kiir emphasized the people's joint accomplishments and the sense of togetherness:

We are not a people who fear the night and hide. We know that no matter how long the night, morning will always come. We joined together and fought for liberty and together, we earned it. We have fought for our right to be counted among the community of free nations and we have earned it.¹⁶²⁸

Next to Independence Day, the second most important holiday is Martyrs' Day on 30 July, the day John Garang died in a helicopter accident in 2005¹⁶²⁹. In fact, Garang himself had begun this tradition of a martyrs' cult early on during the second civil war when in 1985 he called the SPLA soldiers that died in the first battles in June 1983 that started the second civil war, "the first martyrs of the SPLA. Their sacrifices will remain in the annals of the revolutionary history of our great country"¹⁶³⁰. On Martyrs' Day 2008, Kiir hailed John Garang's unique place in South Sudan's history: "On top of this golden list is the Martyr of all Martyrs; our late leader, the icon of peace, the freedom fighter and founder of our heroic Movement, the SPLM, and Commander in Chief of the gallant SPLA forces, Dr. John Garang de Mabior"¹⁶³¹. And he presented his vision of what Martyrs' Day ought to represent for contemporary South Sudanese three years later:

To me personally, there is nothing material worth the sacrifices of our fallen martyrs other than working to build this nation for posterity. Nation building requires cohesion, hard work, honesty, and self-sacrifice. It is even more than that – it is building a national conscience! We are all now South Sudanese and being Fertit or Luo of Western Bahr El Ghazal, Pojulu or Mundari of Central Equatoria, Didinga or Acholi of Eastern Equatoria, Burun of Upper Nile or Murle of Jonglei, Dinka or Nuer, name them, what will only differentiate us is our cultural heritage. Unless we cultivate the spirit of nationalism, cemented by the blood of our martyrs, we cannot prosper. Therefore, I appeal to all, especially the younger generation, to cease from tribal tendencies.¹⁶³²

The latter point is particularly crucial to look at because much of the official nationalist discourse appears directed against the designated enemy and obstacle to national cohesion: tribalism. This reasoning was even more transparent at the presentation of the South's new national anthem. During the event South Sudan's information and broadcasting minister stated that the anthem's

¹⁶²⁷ The full anthem (lyrics and melody) as well as information on flag and coat of arms can be found at: http://www.splmtoday.com/index.php?option=com_content&view=article&id=612:south-sudans-coat-of-arms-national-anthem-and-flag&catid=1:latest&Itemid=2 (accessed: 14 June 2014).

¹⁶²⁸ Kiir Mayardit, Salva. *Speech on the Occasion of the First Anniversary of South Sudan Independence*. Juba, 9 July 2012, pp. 5-6.

¹⁶²⁹ In 2014 a special ministry of martyrs and veterans affairs was created, highlighting the high value ascribed at least in public rhetoric to those who died during the war(s). *Sudan Tribune*, "S. Sudan's Kiir broadens cabinet after size reduction", 18 March 2014, <http://sudantribune.com/spip.php?article50332> (accessed: 19 March 2014).

¹⁶³⁰ Garang (1992), p. 52.

¹⁶³¹ Kiir Mayardit, Salva. *Speech of H.E. Gen. Salva Kiir Mayardit, President Government of Southern Sudan, On the 3rd Anniversary of the Martyrs Day*. Juba, 30 July 2008, p. 3.

¹⁶³² Kiir Mayardit, Salva. *Speech on the Occasion of Martyrs Day*. Juba, 30 July 2011.

“words like unity, harmony and peace that advocate for one tribe in the new nation [...] should be kept at the fingertips”¹⁶³³.

Yet, the performative aspect of national holidays also bears the risk of ridicule and failure. Thus, during the independence festivities in 2011, it transpired that there were not enough chairs for all foreign dignitaries that attended the celebrations so that the SPLM’s entire senior command had to stand in the heat¹⁶³⁴; an embarrassment which immediately after the country’s creation put into doubt the state’s ability to fulfil the high-flying dreams embodied in the official national vision. This recognition of the need to keep symbols of national pride and unity on a higher pedestal to prevent them from desecration also appears to be present among some South Sudanese officials. Soon after the melody of the new national anthem was made public, the government released a statement prohibiting the use of the anthem as a ringtone for mobile phones¹⁶³⁵. The South Sudanese state and its (self-appointed) custodians occasionally use force to ensure veneration for the nation. As Nicki Kindersley observes, Freedom Square where Garang’s mausoleum is located has become one of the main spots where policemen enforce shows of respect for national symbols by arresting people whose conduct or dress they deem offensive¹⁶³⁶.

Finally, the fact that the SPLM takes sole credit for liberation of the South is problematic on a number of levels: (a) non-SPLA militias and other groups are bound to feel slighted and excluded while (b) we are likely to witness internal struggles between different factions and individuals in the SPLM over who contributed more to liberation and hence has a stronger claim to rule¹⁶³⁷. This applies for example to the SSDF that at the time of its dissolution and integration into the SPLA after the 2006 Juba Declaration was at least the SPLA’s equal in terms of military capacity and strength but lacked the political and diplomatic skill and agenda¹⁶³⁸. Apart from militias that were on the other side of the trenches from the SPLA, a much larger group that is excluded from this particular vision of the nation are women. Despite large number of female fighters in the SPLA’s ranks and even an all-female battalion *Katiba Banat*¹⁶³⁹, the archetypal South Sudanese freedom fighter is a masculine male¹⁶⁴⁰ whereas “the contributions and activities of South Sudanese female combatants and women associated with armed forces and groups (WAAFG) remain largely unrecognized”¹⁶⁴¹. Clearly, then,

¹⁶³³ Wudu, Boboya Simon, “South Sudan National Anthem Launched”, *Juba Post*, June 2011, <http://jubapost.org/article-127.html> (accessed: 8 July 2011).

¹⁶³⁴ Pflanz, Mike, “South Sudan independence: Juba celebrates the birth of a nation”, *The Telegraph*, 9 July 2011, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/south-sudan/8627647/South-Sudan-independence-Juba-celebrates-the-birth-of-a-nation.html> (accessed: 1 August 2013).

¹⁶³⁵ Jackson, Lagu Joseph, “Citizens Warned against Using National Anthem as Mobile Tones”, *The Citizen*, 18 July 2011, <http://www.thecitizen.info/general/citizens-warned-against-using-national-anthem-as-mobile-tones/> (accessed: 21 July 2011).

¹⁶³⁶ Kindersley (2012), p. 42.

¹⁶³⁷ LeRiche and Arnold (2012), p. 216.

¹⁶³⁸ De Waal, Alex, “REVIEW: The Fate of Sudan: The Origins And Consequences Of A Flawed Peace Process”, *African Arguments*, 9 May 2013, <http://africanarguments.org/2013/05/09/review-the-fate-of-sudan-the-origins-and-consequences-of-a-flawed-peace-process-by-alex-de-waal/> (accessed: 10 May 2013).

¹⁶³⁹ Jackson, Lynette A., “Where are the Girls? War Displacement and the Notion of Home Among Sudanese Refugee Children”, in Schrover, Marlou and Yeo, Eileen Janes (eds.) *Gender, Migration, and the Public Sphere, 1850-2005*. New York & Abingdon: Routledge, 2010, pp. 160-177, p. 164.

¹⁶⁴⁰ Weber, Annette, “Women Without Arms: Gendered Fighter Constructions in Eritrea and Southern Sudan”, *International Journal of Conflict and Violence*, Vol. 5, No. 2, 2011, pp. 357-370.

¹⁶⁴¹ Waters, Esther and Call, Geneva. *No standing, few prospects: How peace is failing South Sudanese female combatants and WAAFG*. Geneva: Small Arms Survey, Sudan Issue Brief, No. 13, September 2008, p. 1.

the memory and commemoration of the long civil war are hardly congruent and in various respects a problematic choice as the essence of national identity.

7.1.2.2. *Unity-in-diversity: a multicultural ideal*

The second pillar of state nationalism in South Sudan are variations on the theme of unity-in-diversity. The Transitional Constitution expounds on the matter by calling for “norms and standards of governance [...] that reflect the unity of the people of South Sudan while recognizing their diversity”¹⁶⁴². Not coincidentally, a recent report on international consultations of a group of South Sudanese experts on traditional authorities was entitled ‘Unity in Diversity’¹⁶⁴³. Jok Madut Jok, undersecretary at the Ministry of Culture and Heritage and renowned academic, is one of the concept’s strongest backers. Crucially, Jok believes in the political nature of the exercise: “a collective identity will need to be politically constructed, and it is the task of its leadership, government, civil society, and private enterprise to do it by turning South Sudan’s cultural diversity into a national asset”¹⁶⁴⁴. In its most basic form, unity-in-diversity simply means the acceptance and recognition of the population’s diversity and hence an appeal to refrain from policies that would deny or counteract said diversity.

Thus, often unity-in-diversity is but another name for an appeal to refrain from the language and practice of ‘tribalism’, ethnic favouritism and demeaning prejudices against other ethnic groups. As the South Sudanese poet Kuir Garang argues, “it’s high time South Sudanese started to see that too much focus on one’s tribal needs is the express lane to most of Africa’s frictional tribal nonsense and political instabilities”¹⁶⁴⁵. Jok, for example, criticizes journalists that blame ethnic groups rather than individuals for wrongdoing and corruption because framing grievances with the government along exclusively ethnic lines prevents the rise of multi-ethnic coalitions that could serve to allow each and every tribe to feel like an equitable part of the state and the nation¹⁶⁴⁶. Responsible journalism therefore ought “to calm the already volatile ethnic make-up of our country, with a view to forging a future of citizenship in the nation rather than in the tribe”¹⁶⁴⁷. David Marial Gumke, Rumbek East County commissioner, likewise warns that “[u]nless we abandon tribalism and sectionalism in the country [...] we cannot build a peaceful nation”. Instead of concentrating on the differences between different tribes like Nuer, Dinka, Shilluk, Azande, Acholi and Bari, “we should all be united now and call ourselves South Sudanese”¹⁶⁴⁸.

This primarily negative conception of unity-in-diversity is also embodied in the SPLM’s Party Manifesto from 2008, which proclaims that “[i]n the Sudan people have moved in time and space and have become part of the Sudanese nation, and the character and identity of this nation must be

¹⁶⁴² *The Transitional Constitution of the Republic of South Sudan, 2011*, Chapter III, 48 a).

¹⁶⁴³ Prah (2013).

¹⁶⁴⁴ Jok, Jok Madut (2011), p. 4.

¹⁶⁴⁵ Garang, Kuir, “Stop whining and start building your counties”, *South Sudan Nation*, 18 September 2011, <http://www.southsudannation.com/stopwhiningandstart%20kuirgarang78.htm> (accessed: 6 October 2011).

¹⁶⁴⁶ Jok, Jok Madut, “Public Reactions to Kiir’s new Cabinet and the Crisis of Nationalist Thinking”, *The Citizen*, 11 September 2011, <http://www.thecitizen.info/opinion/public-reactions-to-kiir%E2%80%99s-new-cabinet-and-the-crisis-of-nationalist-thinking/> (accessed: 16 September 2011).

¹⁶⁴⁷ Ibid. In fact, a young journalist admitted that in his articles he deliberately does not mention people’s ethnicity so as not to connect their deeds – good or bad – with their respective ethnic group. Interview in Juba, 9 October 2013.

¹⁶⁴⁸ Mon, Benjamin Majok, “Commissioner: tribalism undermines south’s independence”, *Sudan Votes*, 15 July 2011, <http://www.sudanvotes.com/articles/?id=930> (accessed: 6 October 2011).

based on its reality, on its historical and contemporary diversity”¹⁶⁴⁹. Unless the existing diversity was recognized, building a genuine nation-state would be impossible as such ambiguity would embolden “the local elite and power seekers, masquerading as nationalists, to seize and retain political power, and then proceed to pillage and render the people of their so-called nation-state destitute”¹⁶⁵⁰. The ‘citizenship-state’ should accordingly be devoid of racial, religious, gender or other forms of discrimination. Although these objectives still presumed a united Sudan they are equally applicable to the new state in the South.

The Manifesto is, however, much less precise when it comes to the positive content of diversity and how it is supposed to be represented, respected and integrated into both the state structure and the national identity.

The New Sudan belongs equally to all the peoples that now inhabit the country. Its history, its diversity and richness are the common heritage of all Sudanese. The process of national formation presupposes deep introspection into Sudan’s history as well as drawing from the experiences of other countries in order to form a unique Sudanese nation that does not have to take refuge elsewhere.¹⁶⁵¹

The SPLM’s new constitution, drafted in 2012 and passed by the political bureau in 2013 but not yet ratified by the National Liberation Council, on several occasions makes reference to the central role that respect for diversity plays for the party. Thus, two of the SPLM’s guiding principles respectively read “Unity of the people of South Sudan based on historical experiences, respect for diversity, national and economic interest” and “Respect for diversity of South Sudanese cultural heritage, values and beliefs”¹⁶⁵². President Kiir, making liberal use of metaphor, interpreted South Sudan’s history as having “taught us something that our former rulers never learned: that being equal does not mean being the same. It is a history that brings our many peoples, tongues and ways together in strength like the many waters that flow into the mighty Nile”¹⁶⁵³.

Other proponents of unity-in-diversity are also not very forthcoming in offering concrete ideas how this ideal of cherishing and valuing cultural diversity is to be attained and realized in practice. As an alternative to the idealist concepts of Islamism, Arabism and Africanism that all deny the objective reality of diversity in Sudan in an attempt to impose a monolithic concept of unity on the nation, El-Battahani proposes an ethnically-blind unity-in-diversity understanding of Sudanese national identity, which he considers more progressive and fair – yet he fails to give any indication of how this process is to be undertaken and what it would consist of¹⁶⁵⁴. Peter Nyaba in contrast, at the time Minister of Education, is more sanguine in realizing that a new collective identity might entail conflict with South Sudanese traditions because the “erosion of tradition conjures a parallel process of and its replacement with a new more inclusive and progressive tradition reflecting the daily economic, political and cultural activities of our people”¹⁶⁵⁵. Nonetheless, these appeals seem to fall at least in part on fertile ground as evidenced by survey findings from the NDI, which discovered that “[w]hen

¹⁶⁴⁹ SPLM. *The SPLM Manifesto*. May 2008, p. 14.

¹⁶⁵⁰ Ibid.

¹⁶⁵¹ Ibid, p. 20.

¹⁶⁵² SPLM. *The Constitution of the Sudan Peoples’ Liberation Movement (Draft)*. 2012.

¹⁶⁵³ Kiir Mayardit (2012), p. 9.

¹⁶⁵⁴ El-Battahani (2007), pp. 58-59.

¹⁶⁵⁵ Nyaba, Peter Adwok, “The erosion of tradition in South Sudan”, speech delivered at University of Juba, 3 June 2011, http://www.newsudanvision.com/index.php?option=com_content&view=article&id=2369:the-erosion-of-tradiiton-in-south-sudan&catid=5:columns&Itemid=14 (accessed: 9 July 2011).

asked whether they consider themselves South Sudanese first or a member of a tribe first, participants emphatically identify as South Sudanese, saying their blood was shed for that right”¹⁶⁵⁶.

A less obvious sign of the unity-in-diversity philosophy can be detected in the decision to anoint Juba as the new state’s capital¹⁶⁵⁷. While the city had already been the seat of the Southern Regional Government from 1972 to 1983, Juba had been continuously occupied by the Sudanese army during the second civil war and was far from an SPLM stronghold. Hence, opting for a town in Central Equatoria where many inhabitants had been wary and suspicious of what they perceived as a largely Nilotic rebel army, composed of Dinka and Nuer, rather than going with the predominantly Dinka town of Rumbek can be considered a conciliatory gesture and a concession to the state’s multiethnic character¹⁶⁵⁸. If that actually was the rationale behind the decision for Juba, then it mirrors the SPLA’s war-time strategy of deliberately appointing military leaders (say, a Bari) in areas inhabited by other ethnic groups (say, in Azande territory) to strengthen its claim to be a national army which transgresses ethnic boundaries¹⁶⁵⁹.

In this light, even the decision to hold on to the rather prosaic and bland “Republic of South Sudan” as the state’s official moniker can be taken as an indirect nod to the unity-in-diversity ideal. Several of the other names that had been floated and publicly discussed – Republic of the Nile¹⁶⁶⁰, Republic of Kush/Cush, Azania¹⁶⁶¹ – were certainly much more evocative yet tended to be more exclusive in their implications. Cush with its well-understood reference to a pre-Islamic Christian past denotes the Christian predominance of contemporary South Sudan, whereas Republic of the Nile might have detracted from the vast lands that lie far from the world’s longest river.

Finally, the founding or reactivation of certain national institutions is also linked to the idea (or wishful thinking) that they might contribute to a peaceful national identity bent on mutual understanding of different cultures. One such example are the National Archives (run by Douglas Johnson prior to 1983) whose contents survived the war in various cardboard boxes stored in basements and barns. At the moment, a small staff of South Sudanese aided by academics from the UK (Durham, Edinburgh) are busy sifting through, ordering, restoring and digitalizing its contents¹⁶⁶². The National Museum on the other hand is a new foundation which aims to contribute to nationbuilding by “presenting the history and diversity of the nation through objects, stories and

¹⁶⁵⁶ Cook (2011), pp. 6-7.

¹⁶⁵⁷ The choice may, however, only be temporary. The GoSS has on various occasions reaffirmed its commitment to building an entirely new capital near Ramciel in Lakes State virtually from scratch, in spite of the high costs this will entail. *Sudan Tribune*, “South Sudan takes another step towards developing a new capital”, 2 December 2012, <http://www.sudantribune.com/spip.php?article44709> (accessed: 30 July 2013).

¹⁶⁵⁸ Pabst, Martin, “Der Südsudan vor der Unabhängigkeit – Jubel vor Ort, Enttäuschung im Nordsudan, Besorgnis weltweit”, *KAS Auslandsinformationen*, No. 3, 2011, pp. 34-55, p. 49.

¹⁶⁵⁹ Peter (2004), p. 12.

¹⁶⁶⁰ Oka, Alier Ngong, “New Name For South Sudan Debate Broadened”, *Gurtong*, 10 January 2011, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/4649/categoryId/24/New-Name-For-South-Sudan-Debate-Broadened.aspx> (accessed: 16 September 2011).

¹⁶⁶¹ In the mid-1960s, the political wing of the Southern Sudanese rebellion against Khartoum was called Azania Liberation Front, headed by Joseph Oduho. The future name of an independent Southern Sudan was to be Azania “in honour of the old Eastern African Kingdom of which Southern Sudan might have been part”, Azania Liberation Front. *Constitution of the Azania Liberation Front*. Kampala, 14 December 1965, p. 1.

¹⁶⁶² *Radio Miraya*, “Preserving the nation’s history in archives”, 17 July 2013, <http://www.radiomiraya.org/our-programs/reports/11633-preserving-the-nation%E2%80%99s-history-in-archives.html#gsc.tab=0> (accessed: 14 August 2013). Visiting and using the archives is currently only possible with a special permit from the Ministry of Culture. When I visited the archives in Juba’s Munuki neighbourhood, I was the only visitor that day.

intangible traditions”¹⁶⁶³. Its overall idea is to represent each of the 68 ethnic groups – problematic due to the lack of material on some of the smaller groups – and focus on audio-visual forms of presentation (accessibility for illiterates) and an interactive dialogue to introduce visitors to the museum and to other cultures. So far, the national museum is conceived as a travelling exhibition which is to start off, for financial and practical considerations, with stops in three cities (one for each supra-region): Juba, Wau and Malakal¹⁶⁶⁴. Eventually, both the National Museum and the National Archives are supposed to be housed next to each other near Freedom Square in the very centre of Juba.

The fact that both archives and museum are funded by foreign donors (principally Norway) and supported by UNESCO (United Nations Educational, Scientific and Cultural Organization) is also an indication that unity-in-diversity is a vision of nationhood that South Sudan’s international, mostly Western backers very much agree with. Yet, in spite of these efforts scepticism about the degree to which people in South Sudan today cherish unity in diversity is in order: “In the era of two Sudans, the challenge remains: to widen the moral community to include all citizens and all dimensions of the cultures they inhabit. This is a vision of nationhood that has yet to find consistent expression, either in the north or the south”¹⁶⁶⁵.

7.1.2.3. *Language politics: English versus (Juba) Arabic*

Language has typically played a central role in determining national identity and in spreading the idea of a collective identity separate from other groups. South Sudan has chosen English as the state’s official language of administration while six regional languages were designated as national languages – an act of largely ceremonial importance. The thing that complicates and politicizes the language question is the status, standing and use of Arabic. To better understand the present-day debates an overview over the historical evolution of language use in Southern Sudan is in order.

The linguistic landscape of South Sudan – like many other contentious aspects that flared up after 1956 – has its roots in the British colonial period and is tied directly to the effects of the Southern Policy. Prior to the arrival of the British, the language of government and thus the language of interaction with the occupying Ottoman-Egyptian forces had been Arabic. In a contemporary account, Tucker argued that the colonial government’s decision to make English the official language while also granting the status of working language to various vernaculars was based on the desire to prevent the further reach of Southern Arabic. The 1928 Beja conference convened to establish clarity over language use in the South, divided Southern languages in six groups with each group’s most widely spoken language chosen as a representative language: Dinka, Bari, Nuer, Lotuko, Shilluk and Zande¹⁶⁶⁶. After independence, this policy was reversed and Arabic was made the language of education, which became a key point of contention for the first generation of Southern

¹⁶⁶³ UNESCO, “Culture and Nation Building in South Sudan”, 9 July 2012, http://www.unesco.org/new/en/media-services/single-view/news/culture_and_nation_building_in_south_sudan/#.Ug4mdj7dJ74 (accessed: 22 November 2012).

¹⁶⁶⁴ Interview with three members of UNESCO, Juba, 18 October 2013.

¹⁶⁶⁵ Ryle, John, “Peoples & Cultures of Two Sudans”, in Ryle, John; Willis, Justin; Baldo, Suliman and Jok, Jok Madut (eds.) *The Sudan Handbook*. Oxford: James Currey, 2011, pp. 31-42, p. 41.

¹⁶⁶⁶ Tucker, A. N., “The Linguistic Situation in the Southern Sudan”, *Africa: Journal of the International African Institute*, Vol. 7, No. 1, Jan., 1934, pp. 28-39, p. 31.

politicians¹⁶⁶⁷. The South Federalist Party already called for English as second official language in 1957¹⁶⁶⁸ and in the following years “[l]anguage policy became a mode of resistance”¹⁶⁶⁹.

During the Southern Regional Government period, both English and Arabic were being used in education and administration although the Addis Ababa Agreement left the language question somewhat ambiguous by declaring “Arabic [...] the official language of the Sudan and English the principal language of the Southern region”¹⁶⁷⁰. After the Islamists’ 1989 coup d’état Arabic became once again the sole accepted tongue¹⁶⁷¹. Both in the media and other state-sanctioned publications non-Arabic languages as well as non-Arab cultures were marginalized and received very little recognition and air time¹⁶⁷². Following Sharkey, Arabisation in Southern Sudan failed because “government schools never managed to provide high-quality, broad-based Arabic instruction for students, or to make students feel like valued citizens, so that southern Sudanese came to regard Arabisation as a tool for subjugation”¹⁶⁷³. Therefore, in spite of its low quality, during the 2nd civil war English language and vernacular “schooling in the South had become infused with the symbolism of resistance”¹⁶⁷⁴.

The long second civil war moreover led to a bifurcated language use where the language most commonly employed depended on which faction, the Sudanese government or the SPLM/A, held a given area¹⁶⁷⁵. As a consequence, Arabic in effect continued to spread and become more widely used, especially among Southern refugees in Khartoum and certain Southern cities like Wau and Juba¹⁶⁷⁶. At least of equal importance to contemporary South Sudan is the evolution and popularization of a pidgin dialect of Arabic, most frequently called Juba Arabic. Tucker already mentions pidgin Arabic’s prevalence in the 1930s¹⁶⁷⁷, and it continued to spread in the post-colonial period due to military conscription and population displacement¹⁶⁷⁸. Churches were also “key actors of the promotion and valorisation of Juba-Arabic in Southern Sudan”¹⁶⁷⁹ but the most important contributing factor for Juba Arabic to become the most widely spoken language in the South was that it became the SPLA’s

¹⁶⁶⁷ Nyombe (1997), p. 107.

¹⁶⁶⁸ Sid-Ahmad, Muhammad. *English as a Marker of Southern Sudanese Nationalism: Social History, Politics and Language in the Sudan*. 2007.

¹⁶⁶⁹ Sharkey, Heather J., “Arab Identity and Ideology in Sudan: The Politics of Language, Ethnicity, and Race,” *African Affairs*, Vol. 107, No. 426, December 2007, pp. 21-43, p. 36.

¹⁶⁷⁰ Ladouceur, Paul, “The Southern Sudan: a forgotten war and a forgotten peace”, *International Journal*, Vol. 30, No. 3, 1975, pp. 406-427, p. 415.

¹⁶⁷¹ Lubajo, Joseph Lodiong, “Challenges of Basic Education in Southern Sudan: Language Policy in Jonglei & Upper Nile States”, in Grawert, Elke (ed.) *After the Comprehensive Peace Agreement in Sudan*. Woodbridge / New York: Boydell & Brewer / James Currey, 2010, pp. 141-157, pp. 144-45.

¹⁶⁷² Yongo-Bure (2009), p. 71.

¹⁶⁷³ Sharkey, Heather J., “Language and Conflict: The Political History of Arabisation in Sudan and Algeria”, *Studies in Ethnicity and Nationalism*, Vol. 12, No. 3, 2012, pp. 427-449, p. 441.

¹⁶⁷⁴ Epstein, Andrew I., “Dinka Youth and the Culture of Formal Schooling in Postconflict South Sudan”, in Ensor, Marisa O. (ed.) *African Childhoods: Education, Development, Peacebuilding, and the Youngest Continent*. New York: Palgrave Macmillan, 2012, pp. 173-186, p. 178.

¹⁶⁷⁵ Sid-Ahmad (2007).

¹⁶⁷⁶ Sharkey (2007), p. 24.

¹⁶⁷⁷ Tucker (1934), pp. 28-29.

¹⁶⁷⁸ Leonardi, Cherry, “Interpreters, Interlocutors and an Intermediary Language: Chiefs, the State and Colloquial Arabic in Southern Sudan”, paper presented in panel 159 ‘The boundaries of the state in Sudan - engaging the intermediaries between state and society’, at the 4th European Conference on African Studies, Uppsala, 2011.

¹⁶⁷⁹ Miller, Catherine, “Southern Sudanese Arabic and the Churches”, *Revue Roumaine de Linguistique*, Vol. 54, No. 3-4, 2010, pp. 383-400, p. 387.

lingua franca¹⁶⁸⁰. What is critical to know about the use of Juba Arabic is that although it was never officially recognized going back to the early days of British rule in the South, “South Sudanese Arabic was [...] given a privileged place in local administration from the outset, as well as retaining its association with the coercive forces of the state”¹⁶⁸¹.

Thus, the government’s decision to anoint English as the sole official language¹⁶⁸² and to discontinue and phase out teaching in Arabic at all levels by 2014¹⁶⁸³ has massive ramifications for large sections of South Sudanese society and may in the long-run hamper relations between South Sudan and Sudan as each country’s younger generations will no longer be able to easily converse in the same tongue¹⁶⁸⁴. In the present, however, this decision against Arabic on the most fundamental level means that Southerners whose main language is Arabic are at a severe disadvantage as it restricts their ability to partake of and participate in the new state. This not only affects the pockets of Arabic-speakers mostly in Upper Nile and Jonglei but also the millions of returnees from the North that have received an education in Arabic¹⁶⁸⁵. In one well-publicized occurrence, students at the University of Bahr el-Ghazal in Wau violently protested against the switch to English as it meant that many of them could no longer properly follow the courses¹⁶⁸⁶. As a result, Juba University agreed to continue teaching some subjects in Arabic¹⁶⁸⁷ (see also Ch. 6.2.1.3).

On the other hand, Arabic speakers also face being ostracized by fellow South Sudanese. Returnees from the North, typically the Greater Khartoum area, are occasionally called *jalaba*¹⁶⁸⁸, a pejorative term for Northern Arabs, while the nickname for the returnees’ settlement in Wau is ‘New Khartoum’¹⁶⁸⁹. There have been calls for all Arabic names to be removed from Juba as they are said to be a reminder of the oppressors from the North¹⁶⁹⁰. Outside of the debate over Arabic, the use and promotion of vernacular languages is also a double-edged sword when it comes to attempts to

¹⁶⁸⁰ Nyombe (1997), p. 122.

¹⁶⁸¹ Leonardi, Cherry, “South Sudanese Arabic and the Negotiation of the Local State, c. 1840-2011”, *The Journal of African History*, Vol. 54, No. 3, November 2013, pp. 351-372, p. 360.

¹⁶⁸² *The Transitional Constitution of the Republic of South Sudan, 2011*, 6(2) reads “English shall be the official working language in the Republic of South Sudan, as well as the language of instruction at all levels of education.”

¹⁶⁸³ *Upper Nile Times*, “The Government of Southern Sudan has outlined a strategic plan to eliminate Arabic in Secondary Schools by 2014”, 9 September 2011, <http://upperniletimes.net/details/239> (accessed: 18 February 2012).

¹⁶⁸⁴ Copnall, James. *A Poisonous Thorn in Our Hearts: Sudan and South Sudan’s Bitter and Incomplete Divorce*. London: Hurst & Co., 2014, pp. 242-43.

¹⁶⁸⁵ Lubajo (2010), p. 148, 151; see also *Radio Miraya*, “Arabic students of Juba University protest use of English Language”, no date, <http://www.radiomiraya.org/index.php/south-sudan-news/7766-arabic-pattern-students-of-juba-university-protest-use-of-english-language#gsc.tab=0> (accessed: 30 May 2013).

¹⁶⁸⁶ Maker, Abraham Daljang, “Arabic or English? South Sudan’s linguistic dilemma”, *The Niles*, 8 February 2013, <http://www.theniles.org/articles/?id=1680> (accessed: 13 February 2013).

¹⁶⁸⁷ *Radio Miraya*, “University agrees to use Arabic”, no date, <http://www.radiomiraya.org/news-202/south-sudan/7971-university-of-juba-agree-to-use-arabic-as-medium-of-instruction.html#gsc.tab=0> (accessed: 30 May 2013).

¹⁶⁸⁸ Sommers and Schwartz (2011), pp. 6-7.

¹⁶⁸⁹ Run, Peter, “Sudan and South Sudan Still Suffering the Consequences of Divorce”, in *Year One of a Nation: South Sudan’s Independence – a compendium of pieces from e-International Relations*. December 2012, pp. 32-33.

¹⁶⁹⁰ Rengo, Rengo Gyyw Jr., “Remove Offensive Vestiges of Arabism in Juba”, *Gurtong*, 14 May 2011, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/5212/Remove-Offensive-Vestiges-Of-Arabism-In-Juba.aspx> (accessed: 9 July 2011).

promote unity¹⁶⁹¹. As Cook finds, the use of the local language for example in primary education is popular in largely homogenous areas, whereas it is a source of unease and worry in more diverse ones¹⁶⁹². Thus, radio stations in linguistically heterogeneous parts of South Sudan will often use English or (Juba) Arabic for most of its programmes which avoids favouring one local group over another but has the disadvantage that many people are not proficient in either English or (Juba) Arabic and therefore cannot access what is being said¹⁶⁹³. Even if it is not deliberate, language in South Sudan is thus in several contexts an instrument of exclusion. Finally, a survey of South Sudanese elite opinion contains an interesting nugget of information that shines a dissonant light on the discourse of valuing national unity above all other goals. Asked which from a list of 24 factors would contribute most to generating economic growth in the country, 'social cohesion' came in last place¹⁶⁹⁴. Nationbuilding may not be everyone's top priority after all.

7.1.3. Othering to create national unity and identity in South Sudan

Both concepts of nationalism endorsed by the state – heroic liberation war and unity-in-diversity – certainly have followers among the South Sudanese population. At the same time, it is evident that the state is not only far from holding a monopoly of violence but is equally far from possessing a monopoly on the national narrative. Clearly, not every South Sudanese has fond memories of either the 'liberation war' or the role played by the SPLA in its pursuit. Hence, this third section is going to look at alternative concepts of what makes South Sudanese *South Sudanese* and how they are to be distinguished and set apart from the rest of the human race. The first part 7.1.3.1 will look at the continuing saliency of enmity to Northern Sudan and to Arabs more generally followed by two parts that look at possible positive conceptualisations of South Sudanese collectivity: 7.1.3.2 is going to discuss Africanism and 7.1.3.3 will look into literature, arts and sports as potential unifying elements.

7.1.3.1. *Arabs – the old enemy is the new enemy*

Enmity towards Arabs persists in many parts of independent South Sudan. "Le sentiment sudiste tend à se définir plus par opposition au Nord que par l'affirmation d'une identité sudiste propre. En forger une est une tâche titanesque, d'autant qu'il n'est pas sûr que l'indépendance soit suffisante pour susciter le consensus nécessaire à la construction d'un nouveau Sud-Soudan"¹⁶⁹⁵. To a large extent it appears that Gill Lusk's assessment from twenty years ago still holds today. As worked out above (Ch. 4.2.1.2), the most efficient and efficacious way to strengthen in-group unity and collective identification with a common idea is to have or to create a clearly identifiable 'other' that is 'not like us' and is deemed hostile or inimical to the in-group.

¹⁶⁹¹ For example, education in the Muru language (including textbooks) was initiated for the first three years of primary school. *Radio Miraya*, "Ministry of Education in South Sudan introduces Muru language into schools curricula", no date, <http://www.radiomiraya.org/news-202/south-sudan/1252-ministry-of-education-south-sudan-introduces-muru-language-into-schools-curricula.html#gsc.tab=0> (accessed: 15 April 2014).

¹⁶⁹² Cook, Traci D. *A Place to Call their Own: Southern Sudanese Comment on the Hard Work & Struggles of Self-Governance*. Washington: National Democratic Institute for International Affairs, 18 September 2007, pp. 8-9.

¹⁶⁹³ Van Oudenaren, Daniel, "Analysis: Major language constraints on media reach in South Sudan", *Radio Tamazuj*, 4 May 2014, <https://radiotamazuj.org/en/article/analysis-major-language-constraints-media-reach-south-sudan> (accessed: 5 May 2014).

¹⁶⁹⁴ World Bank (2013), p. 13.

¹⁶⁹⁵ Lusk (1993), p. 41.

Enmity and hatred of the Northern Sudanese regime and even of 'Arabs' as a generic category persists in South Sudan also after independence. Susan Soux's quote about South Sudan gets to the heart of it: "Southern Sudan is defined in terms of a geographical area rather than as a nation. Inhabitants of the region identify themselves primarily with their tribes, sharing only a concept of a common enemy - the government in Khartoum"¹⁶⁹⁶. Accordingly, many South Sudanese feel animosity towards *all* Arabs and tend to show little regard for Northern Arabs' objective diversity. Moreover, Breidlid finds that Sudanese Arabs' conduct during the war is not blamed on political factors but on cultural traits allegedly innate to all Arabs¹⁶⁹⁷. Such an essentialist conceptions of the enemy is inherently a major obstacle to a peaceful rapprochement between the groups while – to turn the logic on its head – it is in fact highly conducive to building a bond among those self-defined as non-Arabs.

Yet, in the absence of outright war with the North and the maintenance of an uneasy truce which in spite of skirmishes and short campaigns (e.g. Abyei, Heglig/Panthou) has reigned for almost a decade, this enmity does not suffice to unite South Sudanese and get them to neglect the substantial differences amongst themselves. At the same time, it should not be forgotten that the idea of South Sudanese unity during the fight against the North is but a retrospective myth that does not catch on with many who lived through the war.

Despite a shared history of struggle against the North, the people of South Sudan have not succeeded at any time in their history in forming a unified front in pursuit of their shared interests. The history of the armed struggle against the North is marked by incessant internal fragmentation.¹⁶⁹⁸

And even during the war, it was clear that in spite of the strength of anti-Arab sentiment and resistance to oppression, this was not sufficient to build a positive national consciousness among South Sudanese. This is also a testament to the shortcomings of South Sudan's small class of intellectual leaders¹⁶⁹⁹. Furthermore, it bears remembering that Arab and African are but political designations and not ethnic markers and that South Sudan, if reports are true, has actually applied for membership in the Arab League¹⁷⁰⁰, which would make anti-Arab railing a form of self-loathing. Even the second half of the country's name derives from an Arabic term, *Bilad al Sudan*, meaning 'land of the black', a term that medieval Arab scholars used for the sub-Saharan territorial belt that stretches from the Atlantic to the Ethiopian highlands.

Anti-Arab feeling also does not explain the growing territoriality of the national community in people's imagination¹⁷⁰¹. In a survey from 2012, the National Democratic Institute found that a great majority of South Sudanese would support government action – including military force if need be –

¹⁶⁹⁶ Soux (2010), p. 12.

¹⁶⁹⁷ Breidlid, Anders, "Sudanese Images of the Other: Education and Conflict in Sudan", *Comparative Education Review*, Vol. 54, No. 4, November 2010, pp. 555-579, p. 565.

¹⁶⁹⁸ Atta-Asamoah et al. (2011), p. 4.

¹⁶⁹⁹ Young, John, "Sudan: Liberation Movements, Regional Armies, Ethnic Militias & Peace", *Review of African Political Economy*, Vol. 30, No. 97, The Horn of Conflict, Sep. 2003, pp. 423-434, p. 424.

¹⁷⁰⁰ *Middle East Monitor*, "South Sudan and Chad apply to join the Arab League", 25 March 2014, <https://www.middleeastmonitor.com/news/africa/10509-south-sudan-and-chad-apply-to-join-the-arab-league> (accessed: 3 April 2014).

¹⁷⁰¹ Anecdotal evidence of this trend is the way children in a schoolyard learn to visualize Sudan's territorial boundaries, including the border between North and South, based on a large-scale open-air sketch that uses stones to delineate the outline and border. Noble and Morgan (2012), p. 4.

to ensure Abyei's inclusion into the South Sudanese state¹⁷⁰². Such a display of support and a willingness to risk a return to war is by no means a given considering that the country and its population is still reeling from decades of civil war. This result also confirms that solidarity and by extension collective identification is shaped by the new territorial borders: a much smaller percentage of South Sudanese was prepared to go to war in support of the SPLM-North or the Nuba's armed struggle against the Khartoum government. Thus, supra-ethnic collective identification seems to be tied to the territorial idea of South Sudan more than to the anti-Khartoum (and oftentimes anti-Arab) SPLA coalition from the war years.

7.1.3.2. *Africanism*

Another form of othering in the name of the new South Sudanese nation is the concept of Africanism, which was spread and popularized by the SPLM/A during the second war as a counter to the pride in Arab heritage common in Northern Sudan¹⁷⁰³. John Young observed in 2002 that Southerners vigorously emphasize their African culture in explicit contrast to the North and its self-proclaimed racial and cultural superiority¹⁷⁰⁴. In Southerners' emphasis on African identity, there are lines of continuity from the Anya-nya to the present. Harking back to the 1960s, Joseph Lagu describes the Southern Sudanese rebels' goals as follows:

That our specifically African – as distinct from Arab – identity and the common aspirations which unite all our tribes in a common struggle fully qualify us for nationhood and the right to self-determination. That by rejecting the attempted Arabization of South Sudan and by adhering to our African identity and heritage we exercise a basic human right which is bound to be recognized by everybody sooner or later.¹⁷⁰⁵

The most recent – and importantly – first post-secession version of the SPLM Manifesto, which was drafted and passed parallel to the new SPLM Constitution is in some measure more forthcoming about the content and indeed the extent of diversity that is to be constitutive of being South Sudanese. In what reads like a deliberate juxtaposition to the Arab identity proffered by the Republic of Sudan, South Sudan's *Africanness* is repeatedly emphasized:

The SPLM, rooted in its African culture and heritage, shall steadfastly lead, promote, and maintain South Sudan as an African Nation. We are first and forever African. We have chosen our path to collective and individual development cognizant, and justly proud of our African identity. We are determined to build upon and adapt our great African heritage.¹⁷⁰⁶

The urge to base South Sudan on a historical African paragon appears to be so strong as to overpower plausibility and historical fact. For instance, Albino Deng Ajuok, an assistant to John Garang's widow Rebecca Nyandeng, explicitly calls on African historians to highlight the feats of African civilizations prior to the arrival of Arabs, e.g. the empires of Egypt and Kush¹⁷⁰⁷. The former governor of Lakes State, Daniel Akot, sees South Sudanese culture as part of a wider African culture

¹⁷⁰² Cook and Moro (2012), p. 8.

¹⁷⁰³ Madibbo, Amal Ibrahim, "Conflict and the conceptions of identities in the Sudan", *Current Sociology*, Vol. 60, No. 3, 2012, pp. 302-319, p. 309.

¹⁷⁰⁴ Young, John (2002), p. 106.

¹⁷⁰⁵ Lagu (2006), p. 505.

¹⁷⁰⁶ SPLM. *SPLM Manifesto (Draft)*. 2012, p. 10.

¹⁷⁰⁷ Ajuok (2008), p. 135.

and therefore as culturally separate from other parts of Sudan¹⁷⁰⁸. These strands of thought also go back to John Garang who (in quotes related by Ajuok) states that

If we visit the corridors of history from the biblical Kush to the present, you will find that the Sudan and the Sudanese have always been there. [...] It is necessary to affirm and for the Sudanese to remind themselves that we are a historical People, because there are persistent and concerted efforts to push us off the rails of history.¹⁷⁰⁹

Thus, in the run-up to the referendum, a public debate over the name of the future state arose, which prominently featured the proposal 'Republic of Kush'¹⁷¹⁰. The first draft for what would later become the National Anthem also referred to Kush instead of South Sudan¹⁷¹¹ and one of South Sudan's airlines is called Kush Air¹⁷¹². The ancient Kingdom of Kush was a contemporary to the Egyptian Pharaonic Empire (Kush was the Egyptian word for 'regions of the black'¹⁷¹³) and briefly ruled over much of the Nile valley in the 6th century BC. Support for the name was based not little on the fact that Kush had existed prior to the Arab conquest of Northern Africa and thus plays into the anti-Arab sentiments among many South Sudanese. However, all archaeological evidence points to ancient Kush's location in present-day Sudan and not South Sudan¹⁷¹⁴; not to mention the flimsy basis for postulating an ethnic, cultural or linguistic relationship between Cushites and today's South Sudanese. Moreover, Northern intellectuals have also laid claim to Cushites as the forebears of *Northern Sudanese*¹⁷¹⁵.

While the appeal to 'Africanism' is certainly a way to fill the conceptual void of what it is to be South Sudanese in a non-oppositional manner (i.e. when defining South Sudanese not merely in opposition to another group: Northern Sudanese Arabs), there are various problems with this term as well. For one, 'African' is at first sight a very inclusive concept but it may in fact be so inclusive as to lose all specific meaning. If all of Africa is African then what is distinctly South Sudanese about being African? The only way this conundrum can be resolved is if one understands 'African' in this context not as a positive denominator but an anti-Northern, anti-Arab ideal that is just as "idealist, ethnocentric, and of a totalitarian-authoritarian [sic] nature"¹⁷¹⁶ as the racially charged Arabism and Islamism of the North. Victor Lugala, a South Sudanese writer and journalist, for example says that "[a] South Sudanese is someone from an African identity, who has African roots" but then justifies the insistence on Africanness as a response to Northern denigration: "In Khartoum, they used to tell us we had no culture"¹⁷¹⁷.

¹⁷⁰⁸ Akot (2006), p. 77.

¹⁷⁰⁹ Ajuok (2008), p. 134.

¹⁷¹⁰ Kwot, Chol de, "Why Republic of Kush should be adopted for the county in waiting?", *New Sudan Vision*, 25 January 2011, http://www.newsudanvision.com/index.php?option=com_content&view=article&id=2312:why-republic-of-kush-should-be-adopted-for-country-in-waiting&Itemid=44 (accessed: 4 October 2011).

¹⁷¹¹ Martell, Peter, "A song for south Sudan: Writing a new national anthem", *BBC News*, 12 January 2011, <http://www.bbc.co.uk/news/world-africa-12164171> (accessed: 14 September 2011).

¹⁷¹² For more information on Kush Air and bookings see <http://www.kushair.net/>.

¹⁷¹³ Smidt, Wolbert, "Schwarze Königreiche von der Antike bis zur kolonialen Unterwerfung", in Chiari, Bernhard (ed.) *Sudan – Wegweiser zur Geschichte*. Paderborn: Schöningh, 2008, pp. 17-25, p. 17.

¹⁷¹⁴ Török, László. *The Kingdom of Kush: handbook of the Napatan-Meroitic civilization*. Leiden: Brill, 1997.

¹⁷¹⁵ Abd AlRahīm (1970), p. 234.

¹⁷¹⁶ El-Battahani, Atta. *Peace Without Unity: The Dilemma of Reconciling Divergent Perspectives in Post-Conflict Sudan*. Berlin: SWP Report No. 4, 2008, p. 7.

¹⁷¹⁷ Quoted in Copnall (2014), p. 26.

Literature has been one of the primary vehicles to spread and popularize the idea of the nation in European countries. In South Sudan, on the other hand, a national literature is only just getting started. The main medium of artistic discourse are songs that are sung by each ethnic group and more often each clan and that also function as a form of narrating a group or an individual's history by placing the group or personal story in the context of who and what preceded it¹⁷¹⁸. Songs can also narrate attacks by and battles with other ethnic groups¹⁷¹⁹. As much as stories of heritage and especially ancestors matter to individual South Sudanese in defining themselves and their place in the world, this does not hold for other people's ancestors, which makes this form of vocal artistic expression rather less useful for a national narrative compared to the hagiographies common among West Africa's *griots* (see Ch. 4.2.1.1).

In terms of literature proper, in 2013 a collection of writing by eight South Sudanese writers was published¹⁷²⁰ but it is too early to say anything about its (probably negligible) impact on South Sudanese debates over national identity. Older writers with ties to South Sudan are Taban Lo Liyong who grew up in Uganda but published a collection of poems devoted to (mostly) Southern Sudan (*The Cows of Shambat: Sudanese Poems*) and currently works at the University of Juba and the late liberation poet Sirr Anai Kelueljang whose most important (and controversial) work was *The Myth of Freedom and Other Poems* from 1985¹⁷²¹. Additionally, South Sudan has been the subject of very successful novels by foreign writers – the three most prominent being Dave Eggers' *What is the What*¹⁷²², a not-quite-autobiography of Valentino Achak Deng, a 'lost boy' and refugee from Southern Sudan in the United States, the famous rapper Emmanuel Jal's co-written autobiography *War child*¹⁷²³ and Deborah Scroggins' *Emma's War*¹⁷²⁴, the story of British development worker and late wife to Riek Machar, Emma McCune – although these books hardly constitute 'national' literature¹⁷²⁵. Certainly, the GoSS has to date not pursued a conscious strategy to utilize South Sudanese artists to promote its vision for the nation.

Much as in many of the thoroughly secularized nation-states of Western Europe, sports may play a substantial role in unifying the people around a common emblem of support and adulation. There is already a sense of supra-ethnic nation-wide pride in individual athletes like the long-distance runner Guor Marial who competed in the 2012 London Olympics or Luol Deng, born in South Sudan, who is a

¹⁷¹⁸ Deng, Francis M. *The Dinka and their songs*. Oxford: Clarendon Press, 1973. In spite of war and displacement, these songs – a form of 'poetic autobiography' – continue to function as unifying glue for the present-day Dinka. Impey, Angela, "Keeping in Touch via Cassette: Tracing Dinka Songs from Cattle Camp to Transnational Audio-Letter", *Journal of African Cultural Studies*, Vol. 25, No. 2, 2013, pp. 197-210

¹⁷¹⁹ Shaw, Archibald, "Jieng (Dinka) Songs", *Man*, Vol. 17, 1917, pp. 46-50.

¹⁷²⁰ Tong, Nyuol Lueth (ed.) *There Is a Country: New Fiction from the New Nation of South Sudan*. San Francisco: McSweeney's, 2013.

¹⁷²¹ Seiler-Dietrich, Almut, "Sudanesische Literatur", in Chiari, Bernhard (ed.) *Sudan – Wegweiser zur Geschichte*. Paderborn: Schöningh, 2008, pp. 171-176.

¹⁷²² Eggers, Dave. *What Is the What*. London: Penguin Books, 2006.

¹⁷²³ Jal, Emmanuel with Davies, Megan Lloyd. *War child: A child soldier's story*. New York: St. Martin's Griffin, 2009.

¹⁷²⁴ Scroggins, Deborah. *Emma's War: Love, Betrayal and Death in the Sudan*. New York: HarperCollins, 2003.

¹⁷²⁵ South Sudan has also been chosen as the setting for a crime novel, in which a UN cop along with his Dinka sidekick chase a potential serial killer in Juba. Delany, Vicki. *Juba Good*. Victoria: Orca Book Publishers, 2014.

basketball star in the NBA¹⁷²⁶. The national football team 'Bright Star', though not very successful on the pitch, is expressly non-tribal. As team captain Justin Lado stated: "No one in this team feels ... Nuer, Dinka, Bari, Murle and the rest. We are one body aiming at one goal"¹⁷²⁷. On a more day-to-day basis, athletic competitions in South Sudan can be the sites of get-togethers of South Sudanese from all walks of life. Recognition of sports' unifying potential extends to the political scene. On the occasion of a football match between Christian and Muslim teams, Bidal Moses, MP for Yei, explicitly said that "football has no religion and should be used to unite the communities"¹⁷²⁸. Yet, the case of wrestling matches highlights that sport can also divide and spoil unity. There were rumours in 2010 that a Dinka team had won based on biased refereeing while in 2013 the successful Mundari team felt that its success against a Dinka team from Jonglei went unreported¹⁷²⁹.

7.1.4. Nationbuilding and state nationalism in South Sudan – at a glance

While it is still relatively early in the process of nationbuilding and the construction of a national identity in South Sudan, it is already possible to give an analytical overview over the forms that South Sudanese state nationalism has taken or – in other words – which instruments, images and narratives the political class has chosen to embody South Sudanese national identity and which alternative visions are being put forward. One thing that has become abundantly clear is that there is a broad consensus among elite South Sudanese that nationbuilding is of vital, even essential importance to the success and survival of the Republic of South Sudan. Even mundane events like a fashion show are advertised as contributions to nationbuilding and a way to overcome prejudice and internal strife¹⁷³⁰.

In spite of this recognition, there are, so far, a number of trends that bode not exactly well for a successful, i.e. genuinely popular state-driven nationalist project. For one, the driving impetus for South Sudanese nationalism has been discrimination and deliberate exclusion from the Sudanese nation, which has from the start made the question of South Sudanese national identity a reactive rather than proactive issue. This has been compounded by the fact that collective action by South Sudanese qua South Sudanese (as opposed to as members of an ethnic group or clan) have been armed struggles against various groups of external invaders. On top of that, the SPLM's 'New Sudan' vision until shortly before independence in 2011 effectively blocked a genuine public debate over what constitutes the South Sudanese nation.

As such, the nation-building project is entirely backward-looking as patriotic appeals focus on the nation's past. Due to the lack of a genuine historical paragon and despite attempts to resuscitate the

¹⁷²⁶ Manute Bol, an NBA star in the 1980s and early 1990s, is still fondly remembered for devoting resources and personal clout to the South Sudanese struggle, including testifying to Congress about the dangers of Sudanese militant Islamism. Conn, Jordan. *The Defender*. Ebook: The Atavist, 2011.

¹⁷²⁷ UNMISS, "South Sudan's 'no-tribe' team leaves for Maputo", 15 May 2014, <http://unmiss.unmissions.org/Default.aspx?tabid=3465&ctl=Details&mid=6047&ItemID=3880398&language=en-US> (accessed: 19 May 2014).

¹⁷²⁸ Loro, Petia Suliman, "South Sudanese Urged To Use Football In Fostering Unity", *Gurtong*, 10 August 2013, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/12456/Default.aspx> (accessed: 10 August 2013).

¹⁷²⁹ Wani, Julius Nyambur, "The Fallacy of Peace, Unity, and Reconciliation in South Sudan", *South Sudan News Agency*, 28 November 2013, <http://www.southsudannewsagency.com/opinion/articles/the-fallacy-of-peace-in-south-sudan> (accessed: 27 January 2014).

¹⁷³⁰ Kulish, Nicholas, "On Fashion Runway, South Sudan Takes Step Toward National Identity", *New York Times*, 2 October 2013, http://www.nytimes.com/2013/10/03/world/africa/on-fashion-runway-south-sudan-takes-steps-toward-a-national-identity.html?pagewanted=2&_r=1&pagewanted=all& (accessed: 3 October 2013).

notion of pre-Islamic Kush as an imagined ancestor to present-day South Sudan, the majority of the focus lies on the war of liberation against Northern Sudan. Death is ubiquitous in this backward-looking vision of the nation as the martyrs' blood drips from the lips of politicians and the pens of journalists, poets and political entrepreneurs alike. It is not a coincidence that death and the memory of the dead play such an integral part in nationbuilding because there is very little that is offered as a vision for the living.

The problem with the officially sanctioned concept of unity-in-diversity is that it is not only incredibly vague and hard to grasp for political-mobilizing purposes, it also leaves largely unanswered the question what really constitutes unity and why unity is necessary or preferable to going it alone. Attempts to acquaint citizens with the country's diverse cultures – e.g. the national museum and national archives – are still in their infancy and the lack of communication infrastructure as well as the low quality and coordination of education and curricula further hamper the spread of a message of national unity. South Sudan also clearly follows the standard path taken by the majority of its African predecessors as English has been retained as official language but the political decision to banish Arabic has already led to fissures and disunity in a multilingual society shaped by mass displacement.

Given the weakness of positive bonds in building a nation and instilling a sense of nationalism in the state's citizens, South Sudanese elites and public debate have also tried to achieve unity at the cost of designating a group of people residing either within or across the country's borders as the enemy, as the national group's antithetical *other*. Oftentimes, this other is 'the North' or more specifically 'the Arabs', a sentiment that climaxed during the oil standoff with the Republic of Sudan and the attacks on Heglig and Abyei. Africanism, i.e. the propagation of South Sudan as quintessentially African is also to be understood in a negative and oppositional stance to Sudan's self-conception as an Arab nation. In addition, even this short period of time since autonomy and then independence indicates that in spite of the widespread pride over independence, appeals to nationalism (or religion, for that matter) are unlikely to overcome discontentment over the lack of economic progress and visible material inequalities in the long-run¹⁷³¹.

¹⁷³¹ This judgment is eerily similar to Yongo-Bure's related claim for pre-secession Sudan. Yongo-Bure (2009), pp. 81-82.

7.2. Political ethnicity as a challenge to state nationalism in South Sudan¹⁷³²

The resurgence of ethnic groups as political players across much of sub-Saharan Africa is one of the most important aspects to be analysed in the course of nationbuilding. This holds with even greater force for countries like South Sudan that sport highly diverse populations where the presence of assertive ethnic groups is perceived as a challenge to the state's monopoly in commanding allegiance and defining the scope and content of the national community. In turn, ethnic groups and ethnic identities in South Sudan are faced with hostile political rhetoric but continue to structure the lives and loyalties of many if not most citizens. In addition, the experience of war has significantly altered the nature and notion of ethnicity in South Sudan. Therefore, this chapter is going to assess the extent to which ethnicity and ethnic identity play a part in shaping political discourse and life in South Sudan.

Ethnic identities, in the South Sudanese context generally subsumed under the heading 'tribalism', continue to hold great sway and pose a major obstacle to the notion of a preponderance of the national over alternative identities. When 'tribalism' is mentioned in this text it is not an endorsement of the concept¹⁷³³ (and hence generally hyphenated) but an acknowledgment of the widespread use of the term in South Sudanese debates. Leaving these finer points aside, ethnicity as a political determinant is unquestionably a dominant feature of both the political discourse and the political system of South Sudan and therefore commands close scrutiny. As Idris points out, "the South contains an array of ethnic, religious, and linguistic groups united by shared geography rather than a collective national identity"¹⁷³⁴. But the exact number of ethnic groups – figures typically given hover between 60 and 70 – is difficult to determine let alone ascertain since there is no agreement over what constitutes a 'tribe'. Lienhardt believed that the Dinka's "cultural and linguistic homogeneity is striking; and despite regional variations in dialect, custom, and some aspects of social structure, they may [...] be treated on the whole as a single people"¹⁷³⁵, whereas Guarak, for instance, argues that Dinka, Nuer and Bor ought to be understood as collections of 'tribes' because the linguistic differences between them are too significant¹⁷³⁶.

The subsequent subsections will deal in 7.2.1 with the widespread rhetorical condemnation of tribalism in South Sudanese public discourse, then in 7.2.2 focus more specifically on the charge of 'Dinka domination' and the Dinka-Nuer rivalry before turning in 7.2.3 to the salience of ethnicity in political parties and formal political settings. Finally, in 7.2.4 the importance of ethnic ties and ethnic

¹⁷³² Parts of this chapter are based on my article Frahm (2012).

¹⁷³³ When tribalism is referenced in academic and especially non-academic writing, this is often based on the belief, tacit or outspoken, that politics in Africa is governed by ethnic affiliation and ethnic sentiment rather than ideological or socio-economic cleavages. While a similar conception exists towards other peripheral and less developed parts of other continents like the Balkans or Afghanistan, the notion of 'ancient tribal hatreds' or of 'tribal clashes that date to time immemorial' are not only specifically African but are also employed continent-wide as a generalizing category of analysis. Ethnic politics and politicization of ethnicity is in fact prevalent in many countries in sub-Saharan Africa and, indeed, in South Sudan but there is no prima facie reason to treat this phenomenon any different than ethnic mobilization in other parts of the world.

¹⁷³⁴ Idris, Amir H., "Rethinking Identity, Citizenship, and Violence in Sudan", *International Journal of Middle East Studies*, Vol. 44, No. 2, 2012, pp. 324-326, pp. 324-5.

¹⁷³⁵ Lienhardt, Godfrey. *Divinity and Experience: The Religion of the Dinka*. Oxford: Oxford University Press, 1961, p. 1.

¹⁷³⁶ Guarak (2011), pp. 27-28.

enmity on cattle raiding and the exemplary case of Jonglei will be discussed in some detail; 7.2.5 sums up the topics.

7.2.1. Tribalism as the enemy of the nation-state

Going through opinion pieces in different South Sudanese online journals, in radio transcripts and in political speeches, it is rare to come upon an example that – even if it is not the main thrust of the argument – does not at least mention ‘tribalism’ in some form or other¹⁷³⁷. And when tribalism is mentioned it is usually vilified as the South Sudanese nation’s archenemy. Given the fact that South Sudan is home to more than sixty ‘tribes’ with no ethnic group in a numerical position to establish majority nationalism reminiscent of European nation-building, fear of tribalism as a divisive factor is hardly surprising¹⁷³⁸. Thus, Jok Madut Jok points out that “South Sudanese realize that the current ethnic composition of the country could be a liability if it is not carefully managed, especially as it influences everyday governance”¹⁷³⁹. There have in fact been calls to outlaw the use of derogatory names for other ethnic groups as well as the glorification of one’s own ethnic group e.g. as “a tribe that was born to rule”¹⁷⁴⁰.

The Transitional Constitution actually contains the provision that ministers should “be selected with due regard to the need for inclusiveness based on integrity, competence, *ethnic and regional diversity* [my emphasis] and gender”¹⁷⁴¹ and the public debate that both preceded and followed South Sudan’s first significant cabinet reshuffle in 2011 tellingly highlights the prevalence of ‘tribalist’ discourse in South Sudanese politics. Long lists of members of the administration along with their ethnic identity were circulating in the media in an attempt to either demonstrate or refute ethnic bias in public appointments. For example Jacob K. Lupai, who regularly contributes to several media outlets, lamented that 12 out of 32 national ministers and 7 out of 15 government advisors were Dinka¹⁷⁴². In the end, the president’s decision to appoint a cabinet that appeared to pay more note to equal ethnic and regional representation was widely hailed. A focus group survey found that most South Sudanese approved of Kiir’s focus on proportional regional representation in the cabinet’s composition, while almost half of respondents declared that tribal diversity should trump qualifications in the selection process for public jobs¹⁷⁴³. The continued salience of such thinking was on display after the sudden cabinet reshuffle in mid-2013. Immediately after the names of the new ministers became known, the prolific blogger PaanLuel Wël compiled a list that calculated the

¹⁷³⁷ An interesting illustration of the deeply ingrained animosity to ‘tribalism’ can be found in the Sudan Tribune’s guidelines for commenting on articles. ‘Tribalism’ is explicitly prohibited, mentioned in the same sentence as racism and is put on the same pedestal as inciting violence.

¹⁷³⁸ Cook, Traci. *Inter-Governmental Relations in Southern Sudan*. Washington, DC: National Democratic Institute for International Affairs, 30 September 2008, pp. 89-90.

¹⁷³⁹ Jok, Jok Madut (2011), p. 3.

¹⁷⁴⁰ Biar, Zechariah Manyok, “How leaders contribute to tribalism in South Sudan”, *Sudan Tribune*, 18 May 2014, <http://www.sudantribune.com/spip.php?article51043> (accessed: 19 May 2014).

¹⁷⁴¹ *The Transitional Constitution of the Republic of South Sudan, 2011*, Ch. 3, §113(3).

¹⁷⁴² Lupai, Jacob K., “The New Nation”, *Gurtong*, 1 May 2011, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/5161/categoryId/24/The-New-Nation.aspx> (accessed: 16 September 2011).

¹⁷⁴³ Cook and Moro (2012), p. 5, 7.

proportion of Dinka, Nuer, Equatorians and others and compared it to each group's overall population share¹⁷⁴⁴.

There is moreover a general sense that peace dividends are tied to ethnic belonging and generally do not reach many places outside of Juba¹⁷⁴⁵. Youths in particular sense that opportunities are strongly tied to personal and tribal connections rather than qualifications¹⁷⁴⁶. This is summarized by survey findings from 2011:

Tribalism has three features according to participants: imbalance of power, unfair government employment practices and tribal conflict. The perception of most participants is that one tribe, section or clan usually occupies the majority of top positions in government both at the national and state levels, though which tribe, section or clan is faulted for practicing tribalism differs by state or level of government.¹⁷⁴⁷

'Tribalism' can also be an efficacious tool for political entrepreneurs to establish a political power base, especially in the run-up to elections. "This happens in two ways: some local politicians aimed to strengthen their power base by emphasising their tribal affiliation in opposition to another local tribal group. Or, tribal connections are used to emphasise direct lines to the central government"¹⁷⁴⁸. Backing up this generalized contention are South Sudanese refugees in Uganda, displaced by the fighting since December 2013, who roundly blame political elites for instrumentalizing and politicizing ethnicity¹⁷⁴⁹.

Insecurity, which many see as the greatest long-term threat to South Sudan's stability and viability, is closely connected to the 'tribalist' discourse because of insecurity's propensity to play out along ethnic fault-lines¹⁷⁵⁰. 'Tribalism' has thus become the default explanation for local violence, even if violence is in many cases grounded in a mélange of struggles over political power and resources or disaffection with government decisions. South Sudan's Minister of the Interior, for example, admitted that local administrators give weapons that they have seized during disarmament drives to members of their own ethnic group¹⁷⁵¹ and the spike in violence during the CPA period has been blamed on deliberate instigation by powerbrokers that seek to profit from the unrest¹⁷⁵². Some substance to this general claim is given by a study of Ikotos County in Eastern Equatoria where inhabitants complained that government officials condone cattle raiding by members of their own ethnicity while pursuing members of other ethnicities that acted in the same manner¹⁷⁵³.

¹⁷⁴⁴ Wël, PaanLuel, "Making Sense of President Kiir's Newly Restructured Cabinet", *PaanLuel Wël: South Sudanese Bloggers*, 1 August 2013, <http://paanluelwel2011.wordpress.com/2013/08/01/making-sense-of-president-kiirs-newly-restructured-cabinet-unedited/> (accessed: 19 August 2013).

¹⁷⁴⁵ Atta-Asamoah et al. (2011), p. 7.

¹⁷⁴⁶ Newhouse (2012), pp. 21-22.

¹⁷⁴⁷ Cook (2011), pp. 7-8.

¹⁷⁴⁸ Schomerus and Allen (2010), p. 20.

¹⁷⁴⁹ Hovil, Lucy. *Conflict in South Sudan: Refugees seek protection in Uganda and a way home*. New York & Kampala: International Refugee Rights Initiative, April 2014, p. 20.

¹⁷⁵⁰ Jok, Jok Madut, "Insecurity and Ethnic Violence in South Sudan: Existential Threats to the State?", *The Sudd Institute*, Issues Paper No. 1, August 2012, pp. 1-2.

¹⁷⁵¹ Ferrie (2011), p. 3.

¹⁷⁵² McEvoy and LeBrun (2010), p. 21.

¹⁷⁵³ Ochan (2007), p. 20.

Former governor of Jonglei State Kuol Manyang's exhortation to new graduates of the police academy that they "are now police of the nation not for the tribe"¹⁷⁵⁴ does little to assuage these fears. One instance that shows the failure of such appeals is the trinational Karamoja area (South Sudan, Kenya, Uganda) where policemen are torn between competing loyalties to community and state and are therefore unable to maintain security in a situation where most crimes like cattle rustling are community-based¹⁷⁵⁵. Another illustration of policemen's ethnic bias was the wave of ethnic violence in Wau in December 2012, sparked by reports of the killing of six Dinka farm workers in nearby Farajallah. During the riots in Wau where Dinka attacked non-Dinka neighbourhoods, several police officers are said to have joined in the fighting based on their ethnic loyalties instead of working to separate the sides¹⁷⁵⁶.

At the same time (and keeping in mind the problematic nature of these polls), a national opinion survey in 2013 appeared to refute the hypothesis that in South Sudan ethnic loyalties prevailed over other ties. Asked about their identity, 42% said they considered themselves only South Sudanese, 24% felt more South Sudanese than their tribal identity (e.g. Bari, Azande, Dinka), 22% felt as much South Sudanese as tribal, only 7% felt more tribal than South Sudanese and a mere 3% felt only tribal¹⁷⁵⁷. Therefore, the analytic utility of ethnicity as a concept, especially in so far as it relates to outbreaks of violence, has been hotly contested and called into question. In a sweeping criticism of the common usage of 'ethnic group' in relation to South Sudanese violent conflicts, Rolandsen and Breidlid argue that

the notion of 'tribes' or 'ethnic groups' in South Sudan is largely a colonial construct forged from a plethora of local socio-political relations. What in the media is referred to as 'tribal warfare' is a more recent phenomenon. Since the independence of Sudan in 1956, war and partisan politics have strengthened mutually exclusive identities, severed ties between local groups and exacerbated animosity.¹⁷⁵⁸

A particularly interesting case for the salience of war and state boundaries on the evolution and alternation of ethno-national identities are the Nuer that live on both sides of the border with Ethiopia. While Ethiopian Nuer identified more with Sudan during the colonial period (due to better schools), during the Anyanya War (out of solidarity against the 'Arab' government in Khartoum) and at the time of Sudanese refugee camps in the 1980s (to take advantage of educational opportunities provided by United Nations High Commissioner for Refugees, UNHCR), many Nuer rediscovered their Ethiopian identity during the Communist Derg era when job and livelihood opportunities improved substantially and again in the country's current 'ethno-federalist' system that provides affirmative action programmes¹⁷⁵⁹. This example illustrates the often opportunistic appropriation of national identities by ethnic groups in South Sudan and the surrounding region.

¹⁷⁵⁴ Mayar, Manyang David, "New Police force ahead of independence", *Juba Post*, June 2011, <http://jubapost.org/article-155.html> (accessed: 8 July 2011).

¹⁷⁵⁵ Simonse (2011), p. 17.

¹⁷⁵⁶ Amnesty International (2013), pp. 12-13.

¹⁷⁵⁷ International Republican Institute (2013), p. 68.

¹⁷⁵⁸ Rolandsen and Breidlid (2012), p. 52.

¹⁷⁵⁹ Feyissa, Dereje, "Alternative Citizenship: The Nuer between Ethiopia and the Sudan", in Vaughan, Christopher; Schomerus, Mareike and de Vries, Lotje (eds.) *The Borderlands of South Sudan: Authority and Identity in Contemporary and Historical Perspectives*. New York: Palgrave Macmillan, 2013, pp. 109-131.

Yet, ethnic identity, its emotive power and thus its ability to be activated in cases of conflict is not a mere brainchild of South Sudanese commentators, international media and academia. An incident at Juba University in 2013 illustrates very well the extent to which ethnic identity *does* matter¹⁷⁶⁰. Playing football on the university grounds, an argument arose between Dinka and non-Dinka students that got out of hand and led to a physical altercation. Later that night, a student leader alerted friends of his in the police who proceeded to raid the student dorms and beat up anyone that was not Dinka. Major protests and boycotts ensued with the result that the university remained closed for half a year. Clearly, for these students in this situation membership in a specific ethnic group took precedence over other identities (like *being South Sudanese*) and the resulting violence was directed at people specifically because of their ethnicity.

7.2.2. Dinkacracy: Fear of Dinka domination & rivalry between Nuer and Dinka

The term 'Dinkacracy', gleaned from an article from South Sudan News Agency¹⁷⁶¹, is but a more or less inventive neologism to capture a charge that goes back at least to the later years of the Southern Regional Government from 1972-1983. Dinka, numerically the largest ethnic group in the country, are said to dominate government and hold a number of government posts far in excess of their population share. While it is notoriously difficult to trace the exact origin of 'Dinka domination', it became a popular slogan of Equatorian members of the SRG that largely backed Joseph Lagu and opposed the leading Southern politician Abel Alier, an ethnic Bor Dinka, who was perceived to lead a Dinka bloc¹⁷⁶². Hamid, for instance, believes that the 1978 elections in the Southern region that ousted Alier and installed Lagu as the head of the SRG "was more of a protest vote against the status quo, which also reflected the local fears and considerable suspicions of minority Southerners about domination by the Dinka, the largest single tribe in the South"¹⁷⁶³. Certainly, though, Johnson is right to point out that "[t]hroughout the late 1970s and early 1980s there were many Southerners who claimed the region was threatened by 'Dinka domination'"¹⁷⁶⁴.

Today still, smaller ethnic groups fear domination of the government by the Dinka as well as territorial expansion of Dinkaland¹⁷⁶⁵. According to Riak G. Majokdit, the South Sudanese nation will not prosper "if big nationalities, such as Nuer, (Naath) Dinka (Muonyjang), Azande or Colo [...] abuse their God-given numeric [strength] to dominate small nationalities politically, economically, culturally and socially"¹⁷⁶⁶. A columnist at the South Sudan News Agency also traces the root causes of internal conflict in South Sudan to alleged Dinka domination in political affairs and deems the SPLM politburo "a rubber stamp used by one ethnic group (Dinka) to dominate others by using their numbers to

¹⁷⁶⁰ I relate the version that I was told by a professor at Juba University.

¹⁷⁶¹ Ayuel, Deng Mangok, "South Sudan: Where Is 'Dinkacracy' In the Constitution of South Sudan?", *South Sudan News Agency*, 9 January 2013, <http://allafrica.com/stories/201301100274.html?viewall=1> (accessed: 10 January 2013).

¹⁷⁶² Jendia, Catherine. *The Sudanese civil conflict: 1969 – 1985*, New York: Lang, 2002, p. 102.

¹⁷⁶³ Hamid (1983), p. 324.

¹⁷⁶⁴ Johnson, Douglas H. *The Root Causes* (2011), p. 51.

¹⁷⁶⁵ Atta-Asamoah et al. (2011), p. 7.

¹⁷⁶⁶ Majokdit, Riak G., "We Have Finally Done It!", *The Citizen*, 20 July 2011, <http://www.thecitizen.info/opinion/we-have-finally-done-it/> (accessed: 1 October 2011).

impose decisions on others”¹⁷⁶⁷. Elhag Paul, a frequent commentator on various websites, similarly accuses the government of ‘Dinkocracy’ and failing to deliver unity and peace¹⁷⁶⁸.

Security concerns generally matter a lot as evidenced by strong resistance to SPLA disarmament campaigns. The fear of domination by both Dinka and Nuer is especially prominent among smaller ethnic groups and has also triggered military mobilization: Ismail Konyi’s Pibor Defence Force, for instance, was first of all a Murle army. The same is true for the Equatorial Defence Force that sprang up among Equatorians in response to SPLA abuses of civilians¹⁷⁶⁹. Furthermore, the fact that 9 out of 10 police commissioners in South Sudan and the majority of the police’s higher ranks are ethnic Dinka has not gone unnoticed and has only fuelled the perception that the police is ethnically biased¹⁷⁷⁰. As a consequence, the sentiment expressed by a Shilluk youth leader (quoted by Brosché and Rothbart) is not uncommon: “Salva Kiir is not the president of South Sudan; he is just a big Dinka chief”¹⁷⁷¹. Testimony to president Kiir’s increasing reliance on Dinka as his support base was the gradual transformation from 2012 onwards of the Presidential Guard from a multi-ethnic force into a unit predominantly filled with Dinka youth¹⁷⁷².

The course of the second war and the different local patterns of occupation by the Sudanese government, by the SPLA or by other militia forces also play a sometimes underrated role in contemporary attitudes towards certain other ethnic groups. Thus, many Azande did not join the SPLA’s anti-government rebellion and fled their homes (often to Zaïre/DRC and CAR) when the SPLA seized their territory in the 1980s¹⁷⁷³. Due to the often unresolved status of land ownership and the issue of returnees, relations in the CPA period were characterized by continuously high tensions between Azande and Dinka¹⁷⁷⁴, with the latter said to be favoured by the SPLM/A. Branch and Mampilly also allude to the fear and resentment among smaller Equatorial ‘tribes’ towards what is considered a purely ‘Dinka’ SPLA¹⁷⁷⁵. An example is Budi County in Eastern Equatoria where disaffection with Dinka SPLA soldiers’ behaviour erupted into violence and even led to the creation of an ethnic Didinga militia, which only fully reintegrated into the SPLA in 2006¹⁷⁷⁶.

At the same time, the continuing conflict between Dinka and Nuer over predominance in the new republic is a major factor in ethnic mobilization and in shaping the landscape of politics and security in South Sudan¹⁷⁷⁷. One of the earliest British colonial records already testifies to hostility between

¹⁷⁶⁷ *South Sudan News Agency*, “The Root Causes of Conflicts in South Sudan”, 14 May 2011, <http://www.southsudannewsagency.com/news/top-stories/the-root-causes-of-conflicts-in-south-sudan> (accessed: 28 September 2011).

¹⁷⁶⁸ Paul, Elhag, “SPLM’s political tricks: Appointing crooks in cabinet”, *Sudan Tribune*, 31 August 2011, <http://www.sudantribune.com/SPLM-s-political-tricks-Appointing,40005> (accessed: 16 September 2011).

¹⁷⁶⁹ Arnold (2007), p. 504.

¹⁷⁷⁰ Downie (2013), p. 16.

¹⁷⁷¹ Brosché, Johan and Rothbart, Daniel. *Violent Conflict and Peacebuilding: The continuing crisis in Darfur*. London & New York: Routledge, 2013, p. 99.

¹⁷⁷² International Crisis Group. *South Sudan: A Civil War* (2014), p. 7.

¹⁷⁷³ Badal (2005), p. 74.

¹⁷⁷⁴ Hoehne (2008), p. 16.

¹⁷⁷⁵ Branch and Mampilly (2005), p. 4.

¹⁷⁷⁶ Walraet (2008), pp. 57-8.

¹⁷⁷⁷ Schomerus and Allen (2010), p. 21. There is a long-standing unresolved debate among anthropologists and archaeologists about the common origins of Dinka and Nuer and at what point the two groups split. Robertshaw, Peter, “Prehistory in the upper Nile Basin”, *The Journal of African History*, Vol. 28, No. 2, July 1987, pp. 177-189.

the two groups as the Dinka “complain bitterly of the spoliation of their herds by the Nuers, and state that many of their children, now growing into manhood as Nuers, were torn from them in the constant raids of the Nuer tribe”¹⁷⁷⁸. On the one hand, Dinka and Nuer who both belong to the class of acephalous societies¹⁷⁷⁹ and whose “attitude to authority is one of touchiness, pride, and reckless disobedience”¹⁷⁸⁰, on the whole have a more positive outlook on the direction the state is headed in¹⁷⁸¹. This might be linked to their strong foothold in government institutions and positions of power. On the other hand, Dinka and Nuer are locked in a contest over access to the levers of power in the state. Alden et al. describe how members of the largely Nuer South Sudan Defence Forces feared ‘Dinkanization’ and vehemently disputed the claim that Dinka were numerically the country’s largest ethnic group¹⁷⁸². And even if many blame the vicious South on South violence after the 1991 Nasir split on overly ambitious political leaders¹⁷⁸³, the legacy of at least half a century of Dinka-Nuer conflict¹⁷⁸⁴ and what at a certain point resembled a Dinka-Nuer war still lives on in collective memories and attitudes.

The SPLA army is mostly not seen as a neutral arbiter, a fact partly grounded in recent history. Thus, the early part of the second war (1983-4) saw a series of extremely violent assaults by Bor Dinka members of the SPLA against Nuer¹⁷⁸⁵. At the same time (throughout the 1980s), mostly Nuer Anyanya II forces, which were opposed to the SPLA and collaborated with the Khartoum government, would attack Dinka and Nuba recruits on their way to SPLA training camps in Ethiopia¹⁷⁸⁶. What is more, during the Dinka-Nuer war from 1991-99 – headlined by SPLM leader John Garang (Dinka) and Riek Machar (Nuer) – and largely as a consequence of external factors, i.e. combat strategies that targeted women and children, the hitherto rather fluid concepts of ethnicity and ethnic identity among Dinka and Nuer¹⁷⁸⁷ became more rigid. Thus, “contemporary Nuer men and women, in particular, have moved away from a performative concept of their ethnic oneness to a more closed and fixed primordialist concept based on procreative metaphors of shared human blood”¹⁷⁸⁸. Although it needs to be added that during the entire second civil war there was also substantial violence among members of the same ethnic group. Abdallah Cuol, a Nuer leader of the Anyanya II in

¹⁷⁷⁸ Gleichen, Edward (ed.) *The Anglo-Egyptian Sudan: a compendium prepared by officers of the Sudan government. Vol. 1.* London: Harrison and Sons, 1905, p. 132.

¹⁷⁷⁹ Duany describes life in Nuer society as characterized by minimal governance: “The traditional Nuer political system has no single recognized chief to run it and no exclusive judiciary to control it. Persons are divided among political units without any single administrative hierarchy of officials and without any single person to direct all of the common affairs of the society”. Duany (1992), p. 65.

¹⁷⁸⁰ Beswick (1994), p. 178.

¹⁷⁸¹ Cook (2007), p. 10.

¹⁷⁸² Alden et al. (2011), p. 56.

¹⁷⁸³ Hutchinson (2001), p. 321.

¹⁷⁸⁴ Tier, Akolda M. and Dhal, Abraham Matoc. *A case Study of: The Dinka-Nuer Conflict.* Khartoum: Ahfad University for Women, 2005, p. 36.

¹⁷⁸⁵ Lusk (1993), p. 35.

¹⁷⁸⁶ Nyaba (1997), p. 46.

¹⁷⁸⁷ Thirty years ago, Douglas Johnson described intermarriage as a common occurrence and as an established measure to create peace and end feuds between groups of Dinka and Nuer. Johnson, Douglas H., “Tribal Boundaries and Border Wars: Nuer-Dinka Relations in the Sobat and Zaraf Valleys, c. 1860-1976”, *The Journal of African History*, Vol. 23, No. 2, 1982, pp. 183-203, p. 186.

¹⁷⁸⁸ Hutchinson, Sharon E. and Jok, Jok Madut, “Gendered Violence and the Militarisation of Ethnicity: A Case Study from South Sudan”, in Werbner, Richard P. (ed.) *Postcolonial subjectivities in Africa.* London: Zed Books, 2002, pp. 84-107, p. 105.

the mid-1980s, fought against Nuer that were part of the SPLA¹⁷⁸⁹. Fighting between Lou and Jikany Nuer and between Lou and Gawaar (all of them are Nuer clans) was a direct result of the split within the SPLM/A in 1991¹⁷⁹⁰. Paulino Matiep, another Nuer Anyanya II leader allied to Khartoum, attacked other ethnic Nuer and deliberately forced them off oil-rich areas around the turn of the century¹⁷⁹¹.

The civil war that broke out between different factions of the SPLM/A in mid-December 2013 has often been framed in international as well as some South Sudanese media as a quasi-ethnic conflict between Dinka and Nuer. That appears to be only part of the truth. While Salva Kiir and Riek Machar, the two figure-heads in what amounted to an intra-party power struggle between the president and his former deputy, are (Bor) Dinka and Nuer respectively, it would be a crass caricature of actual loyalties on the ground to say that allegiance to either camp perfectly aligned with ethnicity¹⁷⁹². This is not to deny the ethnically motivated violence that erupted in Juba against members of the Nuer community and similar reprisals in other parts of the country by armed Nuer against ethnic Dinka, most notoriously in Bor¹⁷⁹³. But here again, violence did not perfectly align with ethnic identities. When Bentiu, the capital of Unity State, was conquered by the SPLA-in-Opposition in April 2014, ethnic Nuer that did not come to greet the (mostly Nuer) rebel fighters were killed on the spot¹⁷⁹⁴.

A sad epilogue to the tale of ethnic violence at Juba University in 2013 (Ch. 7.2.1) is that Nuer students stopped attending classes after the alleged coup for fear of their lives¹⁷⁹⁵ while Nuer students at Rumbek University (Rumbek being a majority Dinka town) went hiding in the UN base¹⁷⁹⁶. The United Nations found rebel forces deliberately targeting ethnic Dinka (and, in Upper Nile, Shilluk) while government forces targeted Nuer both for their ethnicity and because all Nuer were deemed complicit with the rebellion¹⁷⁹⁷. It is an open question whether, as the South Sudan Human Rights Commission believes, the targeted killing of Nuer and Dinka respectively was a sign that the political

¹⁷⁸⁹ Breidlid, Anders; Said, Avelino Androga and Breidlid, Astrid Kristine (eds.) *A Concise History of South Sudan*. Kampala: Fountain Publishers, 2010, p. 272.

¹⁷⁹⁰ Johnson, Douglas H. "The Nuer Civil Wars", in Schlee, Günther and Watson, Elizabeth E. (eds.) *Changing identifications and alliances in North-East Africa. 2. Sudan, Uganda and the Ethiopia-Sudan borderlands*. New York: Berghahn Books, 2009, pp. 31-47, p. 40.

¹⁷⁹¹ Human Rights Watch (2003), pp. 114-116.

¹⁷⁹² Although Riek Machar himself admitted that apart from army defectors most of his fighters were armed Nuer civilians and the White Army. The headquarters of the rebellion is also, like in the 1990s, in Nasir town in the heart of Nuer territory. Davison, William, "In South Sudan, rebel chief Machar aims to seize last operating oil field", *Christian Science Monitor*, 2 April 2014, <http://www.csmonitor.com/World/Africa/2014/0402/In-South-Sudan-rebel-chief-Machar-aims-to-seize-last-operating-oil-field> (accessed: 3 April 2014).

¹⁷⁹³ In what appears to be a deliberate revenge attack, Riek Machar's home town Leer was attacked and burned down in February 2014 just as peace negotiations were underway. Kulish, Nicholas, "Reports of South Sudan Fighting, Despite Pact, Prompt Worry and Warnings", *New York Times*, 12 February 2014, http://www.nytimes.com/2014/02/13/world/africa/fighting-persists-in-south-sudan-despite-pact-and-aid-groups-issue-warnings.html?_r=0 (accessed: 13 February 2014).

¹⁷⁹⁴ *SPIEGEL Online*, "Südsudan - Rebellen töten Hunderte Zivilisten in Öl-Stadt Bentiu", 21 April 2014, <http://www.spiegel.de/politik/ausland/suedsudan-rebellen-toeten-hunderte-zivilisten-in-oel-stadt-bentiu-a-965417.html> (accessed: 22 April 2014).

¹⁷⁹⁵ *South Sudan News Agency*, "University of Juba Nuer Students' Open Letter", 3 February 2014, <http://www.southsudannewsagency.com/opinion/press-releases/nuer-students-open-letter> (accessed: 5 February 2014).

¹⁷⁹⁶ *IRIN News*, "Fear persists among South Sudan's displaced", 25 February 2014, <http://www.irinnews.org/report/99704/fear-persists-among-south-sudan-s-displaced> (accessed: 26 February 2014).

¹⁷⁹⁷ United Nations Mission in South Sudan (UNMISS). *Interim Report on Human Rights Crisis in South Sudan. Report Coverage 15 December 2013 – 31 January 2014*. 21 February 2014.

leadership had temporarily lost control over the armed forces¹⁷⁹⁸ or whether it was – as UNMISS sees reasonable grounds to believe – a deliberate policy devised by the politicians and thus “at least in part, planned, deliberate and guided by policy directives from a superior level”¹⁷⁹⁹. What is certain, though, is that the crisis highlights how easily political conflicts in South Sudan become conflated with ethnic violence¹⁸⁰⁰, not least because the outbreak of fighting gives cover for individuals to kill and rape with impunity and act out personal grudges¹⁸⁰¹. A gruesome reminder of how quickly moral boundaries become obsolete during civil war were radio transmissions by Bentiu FM that called on rebel forces to kill and rape members of other ethnic groups¹⁸⁰²; almost exactly twenty years after Radio Mille Collines called on Hutu to kill Tutsi during the Rwandan genocide.

7.2.3. Political parties and ethnicity

Ethnic discourse and ethnic favouritism play out in the political arena in two different but closely related forms. For one, opposition parties are not expressions of an ideological current or a class cleavage but are structured along ethnic lines. Lam Akol’s SPLM-Democratic Change (SPLM-DC), the largest opposition party which split from the SPLM in 2009, is predominantly Shilluk and the emergence of new parties outside the SPLM will in all likelihood also be based on ethnicity rather than a political programme¹⁸⁰³. Most anti-government militias can also be counted among these opposition movements since they only differ in the means they have chosen to articulate and promote their agenda and not in the substance of standing and fighting for the interests of an ethnic clientele. Crucially, however, these movements and parties do not perfectly correlate with the ethnic groups they claim to represent. Taking the case of the SPLM-DC, the Shilluk king publicly distanced himself from the party¹⁸⁰⁴ (quite possibly because the SPLM-DC and Lam Akol in particular represent a challenge to his authority). The issue is, however, not as straightforward as it may at first appear. While people organize along membership in an ethnic group, the reason why they become active and even militant more often than not is economic hardship and deprivation.

A development that is even more relevant for the political and overall future of South Sudan is the fact that the SPLM, the government party that commands a level of support akin to non-democratic single-party regimes, is anything but a monolithic bloc (see Ch. 6.2.2.2). Instead, the SPLM is best understood as a sometimes uneasy coalition of various ethnic and regional groupings that vie for power, influence and resources inside the party structure. As Crisis Group warned in a 2011 report,

¹⁷⁹⁸ South Sudan Human Rights Commission. *Interim Report on South Sudan Internal Conflict December, 15, 2013 – March 15, 2014*. Juba, 20 March 2014, p. 4.

¹⁷⁹⁹ United Nations Mission in South Sudan (UNMISS). *Conflict in South Sudan: A Human Rights Report*. 8 May 2014, p. 55.

¹⁸⁰⁰ During the fighting it appears that the rebels used the example of a famous 19th century Nuer prophet called Ngundeng who had defeated a large Dinka army to recruit Nuer youth to their side. Ngundeng Historical Society, “Ngundeng’s family calls upon Lou Nuer White Army to stop fighting the government”, *South Sudan Tribune*, 9 February 2014, <http://southsudantribune.org/states-news/51-ngundeng-s-family-calls-upon-lou-nuer-white-army-to-stop-fighting-the-government> (accessed: 16 May 2014).

¹⁸⁰¹ Amnesty International. *Nowhere Safe: Civilians under attack in South Sudan*. London: Amnesty International Publications, May 2014.

¹⁸⁰² *Voice of America*, “UN Accuses South Sudan Rebels of Targeted Ethnic Killings”, 21 April 2014, <http://www.voanews.com/content/un-accuses-south-sudan-opposition-forces-of-atrocities-in-bentiu/1897708.html> (accessed: 22 April 2014).

¹⁸⁰³ Lacher (2012), p. 19.

¹⁸⁰⁴ HSBA (2011), p. 1.

internal party dynamics can easily aggravate existing ethnic tensions because “ethno-regional fault lines within the party mirror divisions among the population more broadly”¹⁸⁰⁵.

Critically, the SPLM-in-Opposition faction that broke away from the SPLM after the December 15th 2013 incident explicitly justified its secession by accusing president Kiir of relying solely on supporters from Warrap, his home state, and of having moved decision-making “from the party think tanks (SPLM leadership) to [a] regional bloc in which ethnic lobbies play great roles”¹⁸⁰⁶. In the course of fighting, however, the SPLM-in-Opposition – a term coined initially at a December 6th 2013 meeting of in-party opposition to Salva Kiir shortly before the outbreak of violence – has itself become increasingly identified with Nuer demands and Nuer grievances as the vast majority of fighters are Nuer while the overall opposition to Kiir has splintered¹⁸⁰⁷.

Thence, the debate over ownership of liberation also finds expression in the ethnic politics of South Sudan, especially in regard to the question which of the ethnic groups suffered and thus contributed the most (in terms of blood) in the course of liberation. “While many Equatorians argued that their communities suffered disproportionately during the First Civil War, many Dinka felt the same was true for them during the Second”¹⁸⁰⁸. Former members of the SSDF militias that fought the SPLA during the war before being integrated into the army after 2006 face a similar conundrum. Although they claim to have fought for Southern self-determination and independence long before the SPLA did, militia members have to fend off charges that they were sell-outs and stooges for the leadership in Khartoum¹⁸⁰⁹.

7.2.4. Cattle and the nation – Raiding and localized violence

For South Sudan’s pastoralist peoples, cattle are the most important unit of wealth and worth and one of the integral aspects of everyday as well as spiritual life¹⁸¹⁰. Social capital among the Dinka, for example, is largely mediated through ownership of cattle, which is not only an economic and livelihood resource but represents an integral part of social, religious and political life¹⁸¹¹. Cattle is the currency that bride price is paid in and thus essential for a man to get married, which is in turn an inevitable step to attain full manhood. Yet, unless one belongs to a well-off, read: cattle-rich family, there are only limited means to get cattle. In these circumstances, it is not surprising that cattle raiding is endemic in South Sudan and appears to have existed in albeit changing form for several centuries. Raiding is not confined to the herds of rival ethnic groups as intra-ethnic raiding is in fact not uncommon. Recent years have, however, seen a rising number of reports indicating a fusion and overlap of motives for violent raids.

A good example of an area where cattle raiding and ethnic confrontations are very much linked is the Toposa region in the extreme south-west of South Sudan on the borders with Uganda and Kenya. The

¹⁸⁰⁵ International Crisis Group. *Politics and Transition* (2011), p. 13.

¹⁸⁰⁶ *Chimpreports*, “SPLM Big Guns Defect to Opposition”, 11 February 2014, <http://chimpreports.com/index.php/regional-news/s-sudan/16940-splm-big-guns-defect-to-opposition.html> (accessed: 26 February 2014).

¹⁸⁰⁷ Human Security Baseline Assessment for Sudan and South Sudan (HSBA). *The SPLM-in-Opposition*. Geneva: Small Arms Survey, May 2014.

¹⁸⁰⁸ LeRiche and Arnold (2012), p. 229.

¹⁸⁰⁹ Alden et al. (2011), p. 57.

¹⁸¹⁰ Lienhardt (1961), pp. 10-27.

¹⁸¹¹ Deng, Luka Biong, “Social Capital and Civil War: The Dinka Communities in Sudan’s Civil War”, *African Affairs*, Vol. 109, No. 435, 2010, pp. 231-250, p. 237.

Toposa have long been outside of the reach of government and during the second war were heavily armed by Khartoum to fight the SPLA which they did with success. Raiding cattle is an integral part of life among the Toposa and in particular for young men. Yet, the fact that large numbers of cattle were raided from the Dinka is problematic for the Toposa because now Dinka feature prominently in the GoSS¹⁸¹². Modernity has also begun to gather a stranglehold over cattle raiding. In contrast to what was once a highly ritualized, open and communal rite between warrior-men that typically resulted in little loss of life, today's raiders knowingly run the risk of killing women and children and, in a sign of commercialization, sell on raided cattle rather than integrating them into the herd¹⁸¹³.

Yet, the area of South Sudan where cattle raiding has escalated to the point of ethnic hatred and genocidal rhetoric is the state of Jonglei. The new country has witnessed massive communal violence between the Murle and Lou Nuer in Jonglei state. Violence between Lou Nuer and Murle reached its first post-CPA peak in 2009 when approximately 1000 people died as a result of fighting. A particularly vicious cattle raid attack in March 2009 on Likuangle in Pibor County that killed, among others, several hundred women and children, "is seen by many as the point when the brutality of inter-ethnic fighting increased markedly"¹⁸¹⁴. The more recent round of reciprocal violence started with attacks and cattle raids and subsequent revenge attacks in June 2011, mobilizing the youths of both 'tribes' and again killing several hundreds. Among the Nuer, distrust of the government to ensure their protection has led to the resurfacing of the 'White Army', an organization from the civil war which had been suppressed by a disarmament campaign in 2006¹⁸¹⁵. The Murle, on their part, have long been outsiders in the Southern theatre and already formed an alliance with Khartoum as far back as 1963 from where they received weapons to fight anti-government fighters¹⁸¹⁶; an arrangement that continued in the second war when the NCP-government sent arms to the Murle for raids against Dinka and Nuer¹⁸¹⁷.

Médecins Sans Frontières reported that the tribal fighting in 2009 in Upper Nile and Jonglei differed from previous instances both in the extreme degrees of violence as villages were targeted rather than cattle camps and in the fact that women and children were the main victims of attacks¹⁸¹⁸. The spiralling violence in Pibor county of Jonglei state between (principally) Dinka, Nuer and Murle is driven by political and material exclusion but has also increasingly led to gratuitous violence against women and children¹⁸¹⁹. One of the contributing factors is a widely held prejudice which accuses the Murle of routinely abducting children to make up for the Murle's chronic infertility. While not only stirring on Lou Nuer and Dinka groups, such "stigmatisation of the Murle and their alleged reputation have antagonised local communities, as well as exacerbated the Murle people's perceptions of themselves as being politically and economically marginalized"¹⁸²⁰. Cattle raids have thus evolved to

¹⁸¹² Müller-Dempff, Harald. *The Ngibokoi Dilemma: generation-sets and social system engineering in times of stress – an example from the Toposa of Southern Sudan*. Working Paper No. 106, Max Planck Institute for Social Anthropology, Halle, 2008, pp. 3-4.

¹⁸¹³ Akabwai, Darlington with Ateyo, Priscilla E. *The Scramble for Cattle, Power and Guns in Karamoja*. Medford: Feinstein International Center, 2007, pp. 25-27.

¹⁸¹⁴ Rands, Richard B. and LeRiche, Matthew. *Security responses in Jonglei State in the aftermath of inter-ethnic violence*. Saferworld, February 2012, p. 6.

¹⁸¹⁵ Ottaway and El-Sadany (2012), p. 17.

¹⁸¹⁶ Atta-Asamoah et al. (2011), p. 7.

¹⁸¹⁷ Johnson, Douglas H. *The Root Causes* (2011), p. 68.

¹⁸¹⁸ Médecins Sans Frontières (2009), p. 14.

¹⁸¹⁹ Leff (2012), p. 1.

¹⁸²⁰ Rolandsen and Breidlid (2012), p. 55.

be not only about bounty but also about mutual ethnic animosity and the desire to kill or maim members of the other *ethnie*¹⁸²¹. In rhetoric at least, the Lou and Jikany Nuer White Army's final solution to Murle attacks is genocide: "we have decided to invade Murleland and wipe out the entire Murle tribe on the face of the earth as the only solution to guarantee long-term security of Nuer's cattle. There is no other way to resolve Murle problem other than wiping them out through the barrel of the gun"¹⁸²².

7.2.5. Politicized ethnicity and 'tribalism' in South Sudan – at a glance

African nationalism has the object of creating a hierarchy of identities, with the national identity (e.g. being South Sudanese) in most circumstances trumping and dominating other identities and allegiances a person may have (e.g. being Dinka, from Bor, male, grown-up, etc.). Ethnic identities play a major role in the politics and nation-building efforts of the nascent nation-state in South Sudan. If we recall Bhaba's phrase that the nation is only realized in the mind's eye then the eyes of South Sudanese nationbuilders are fixed on ethnic loyalties and 'tribalism' as the negative foil of what the nation and its citizens ought *not* to be like. There are constant appeals to transcend ethnicity for the sake of national unity and some informal quotas for ethno-regional representation are observed in the allocation of high-ranking posts in the SPLM and in government.

This official mantra notwithstanding, ethnicity is a marker of identity and difference that has long-standing relevance for many South Sudanese and is therefore also easily activated and utilized by political entrepreneurs that seek ulterior motives (power, resources, influence) by playing the ethnic card. Many people in South Sudan, especially those living outside the cities, have very little interaction with the state, which is one of the major reasons people turn to communitarian structures like clans or 'tribes'. And where citizens interact with the state, access to jobs, resources, justice etc. is perceived to be tied to membership in the same ethnic group as the official in charge. A state of affairs that triggers a self-perpetuating spiral of popular perceptions leading to a reliance on ethnically based relationships rather than alternative forms of organisation and (self-) identification.

Moreover, throughout the war in the 1990s and continuing with more recent cattle raids, the concept of ethnic identity has hardened among many groups and concomitantly led to gratuitous violence based on ethnic hatred rather than solely for reasons of prestige and cattle. Nationally, Dinka are widely held to sit atop the pyramid of influence closely followed by the Nuer; a fact for which both groups are frequently criticized by smaller ethnic groups, especially from Greater Equatoria. In spite of their privileged standing in particular among the security forces and the army, Dinka and Nuer struggle over power in the country. Even if the ongoing civil war's principal causes are political, the very fact that many South Sudanese *perceive* the war as delineated along ethnic lines has dire consequences for national unity. A problem in the state's dealings with ethnic conflicts is also that the government does not target the root causes of conflict but merely seeks to squash its outgrowth, e.g. by way of disarmament¹⁸²³.

¹⁸²¹ Rands and LeRiche (2012), p. 7.

¹⁸²² Quoted in Lacey, Elizabeth. *Restive Jonglei: From the Conflict's Roots, to Reconciliation*. Cape Town: Institute for Justice and Reconciliation, 2013, p. 21.

¹⁸²³ Jok, Jok Madut (2012), p. 3.

7.3. 'New nationalism' in South Sudan: Autochthony, Religion, Reconciliation

Autochthony has become one of the less catchy catchwords of academic debates as well as political discourse in many countries of sub-Saharan Africa and beyond¹⁸²⁴. Yet the phenomenon it is meant to encapsulate is one of the most straightforward questions of politics that is instinctively intelligible across continents and cultures. Who has been here first? Who has settled in a given location before anybody else (or: before any of the other groups presently residing there) and therefore has a legitimate claim to ownership, to rights and privileges that are tied to their status as first-comers? The other side of the autochthonous coin is that those that are deemed not to belong and to have arrived after the 'original' inhabitants can be excluded, discriminated against and displaced. Belonging is further complicated by the cross-cutting cleavage of religion and by the absence of justice and reconciliation for past crimes which can both counteract and intensify the new forms of nationalism and communitarianism in South Sudan.

To shed light on the relevance of these issues for the situation in South Sudan, the subchapters underneath will in 7.3.1 look at the connection between belonging and land rights, in 7.3.2 at the consequences for those deemed not to belong, i.e. xenophobia, racism and exclusion, and discuss in 7.3.3 the contested issue of citizenship and nationality legislation, in particular in the dyadic relationship with Sudan. 7.3.4 will focus on Christianity as a unifying and dividing element in society and, finally, 7.3.5 will list and discuss South Sudan's attempts at national reconciliation and how it relates to nationbuilding in the country before 7.3.6 gives a brief summary.

7.3.1. Belonging to the land – "the land belongs to us"

Genealogy plays a crucial role among most or all of the ethnic groups and sub-groups that inhabit the territories of the Republic of South Sudan. Whereas Sudanese 'Arab' ethnic groups take great pride in ancestors' lists or *nisba* that are meant to prove a forefather that hailed from the Arab peninsula and preferably had a connection to someone of Muhammad's lineage¹⁸²⁵, most South Sudanese groups have oral traditions – typically transmitted through songs¹⁸²⁶ – that speak of the group's migrations and previous places of settlement. Lesch characterized the debates among Sudanese intellectuals in the 1990s as shaped by the logic of autochthony, i.e. they "present one group as authentic and seek to delegitimize the lineage and territorial claims of other groups"¹⁸²⁷. Northerners accentuate their Arab heritage and claim that Southerners migrated to Sudan from East Africa. Southern intellectuals in contrast argue that most Southern 'tribes' originate from Northern Sudan and that almost all Sudanese are African rather than of genuine Arab stock. The transient and swiftly changing nature of these narratives can be seen in how quickly Islamized Dinka acquired an imagined Arab lineage¹⁸²⁸.

¹⁸²⁴ The strength of anti-immigrant parties and recurrent public debates over status, conduct etc. of 'non-native' populations in most of Europe is a clear sign that this is not purely an African phenomenon.

¹⁸²⁵ MacMichael, Harold A. *A History of the Arabs in the Sudan*. Cambridge University Press: Cambridge, 1922, p. 4.

¹⁸²⁶ See for example Cormack, Zoe. *Learning History Through Songs in Gogrial*. Paper presented at the 56th Annual Meeting of the African Studies Association, Baltimore, November 2013.

¹⁸²⁷ Lesch (1998), p. 26.

¹⁸²⁸ Ibid, p. 19.

The logic of autochthony is also present among South Sudanese groups and arguably predates the colonial period. As an individual's identity is strongly linked to his or her ancestors¹⁸²⁹ – contemporary Nuer, for instance, generally know twelve generations of their patrilinear ancestors¹⁸³⁰ – and ancestors, though invisible, are still part of the family and community and “have favourite dwelling places, like shrines, cattle byres, houses, etc.”¹⁸³¹, the place and land where the ancestors lived is of great importance to most South Sudanese. Looking specifically at the Western Ngok Dinka, Stephanie Beswick describes a precolonial tradition that differentiated among clans according to a first-comer versus late-comer dichotomy. Longer residence entailed rights of domination over those that arrived more recently¹⁸³². Provided that Beswick is right with her assertion, then the continuing stalemate over the region of Abyei is a curious case of diachronic continuity. The Abyei Boundary Commission in 2005 found that both Misseriya and Ngok Dinka each have narratives of autochthony. Misseriya consider Ngok Dinka as late-comers and guests and Dinka chiefs therefore subservient to the Misseriya's *Nazir* whereas the Ngok Dinka claim to have been living on both sides of the Kiir/Bahr al-Arab river since before the arrival of the Misseriya. In both cases, the fact that the other is deemed a latecomer to the territory is taken to imply lesser rights to the land in Abyei¹⁸³³.

Such disputes also matter hugely in other parts of the country. In Condominium days, the British had instituted a system of land rights that was tied to ethnic homelands or *dar*¹⁸³⁴. Each *dar* was controlled by the chief/sheikh of one ethnic group that supposedly had particularly strong ties to the land¹⁸³⁵. The ethnicisation of land rights had the implication that members of other, smaller ethnic groups could be excluded from using the land¹⁸³⁶. During the Second War, the SPLA in theory favoured the traditional, i.e. colonial system of communal land ownership as opposed to individual land ownership. A system of communal land ownership was officially sanctioned and codified with the Land Act of 2009. According to this logic of collective as opposed to individual belonging, most returnees were adamant to return to a particular place in Southern Sudan, their place of origin, which was tied up with the ability to legitimately access resources, most notably land¹⁸³⁷. But on the ground, allocation of land to returnees proceeded much slower than necessary which (along with the hardship of rural life) has driven many returnees to the cities¹⁸³⁸.

Far from relegating land disputes to a place of lower priority, the Land Act has actually exacerbated local conflict over land while adding importance to individuals' and groups' assertions of identity and

¹⁸²⁹ Perner, Conradin. *'But you know...: ...Darkness is a big thing...'. A background-report on Family-attitudes and sexual Behaviour in the Southern Sudan as a basis for HIV/AIDS awareness*. Nairobi: UNICEF, 2001, p. 15.

¹⁸³⁰ Stringham, Noel. *Names as Archives: a Unifying Discourse of History for South Sudan*. Paper presented at the Sudanese Studies Association 33rd Annual Conference in San Francisco, May 2014.

¹⁸³¹ Kamwaria, Alex and Katola, Michael, “The Role of African Traditional Religion, Culture and World-View in the Context of Post-War Healing among the Dinka Community of Southern Sudan”, *International Journal of Humanities and Social Science*, Vol. 2, No. 21, November 2012, pp. 49-55, p. 51.

¹⁸³² Beswick (2006), p. 183.

¹⁸³³ Petterson et al. (2005), pp. 10-11.

¹⁸³⁴ *Dar* is Arabic for land or territory, for example Darfur=land of the Fur.

¹⁸³⁵ Ayoub (2006).

¹⁸³⁶ Egemi, Omer A., “Land Tenure in Sudan: Challenges to Livelihood Security and Social Peace”, in el-Tayeb, Galal el-Din (ed.) *Land Issues and Peace in Sudan*. Khartoum: Sudanese Environment Conservation Society, November 2006, pp. 29-40, pp. 31-33.

¹⁸³⁷ Hovil, Lucy, “Hoping for peace, afraid of war: the dilemmas of repatriation and belonging on the borders of Uganda and South Sudan”, *New Issues in Refugee Research*, Research Paper No. 196, November 2010, pp. 19-20.

¹⁸³⁸ International Organization for Migration. *Village Assessment Survey Report*. 2013, p. 13.

belonging¹⁸³⁹. Sureau tells of the case of Lucy who had been living in Torit, the capital of Eastern Equatoria, since the mid-1990s but had her plot seized because she was originally from a village 40 km away and did not belong to the supposedly original community of the Latuko¹⁸⁴⁰. In the Sobat Basin, on the other hand, different Nuer clans (Jikany and Lou) spent much of the later stages of the second war fighting against each other, which glossed over the fact that both had effectively colonized land that used to be settled by the Anuak, displaced to refugee camps or to Ethiopia¹⁸⁴¹. Another example is the area around Yei where many mostly Dinka internally displaced persons settled on land deserted by the fleeing local population and many soldiers later on refused to cede occupied land to the original owners¹⁸⁴². In Yei – as elsewhere – courts and police have shown great “reluctance to deal with land-grabbing by serving and former soldiers”¹⁸⁴³. Similar stories have emerged from Jonglei where many Dinka that were displaced here during the war use a narrative of victimhood (and the backing of the SPLA) to lay claim to the land¹⁸⁴⁴. Thus, communal land ownership has led to a situation in which both sides in a dispute over land now present (pseudo)historical narratives that highlight that their group had been there first¹⁸⁴⁵. To give an example, in a dispute over whether Kasengor payam belonged to Eastern Equatoria or to Jonglei, the MP for Kapoeta East county narrated the local Jie community’s migrations from the 14th century onwards all the way until 1935 when they “were forced to relocate to Boma after the intervention of the Italian administration” in order to prove their belonging to his county¹⁸⁴⁶.

Boundary-making has therefore become not only a matter for the national government in its relations with neighbouring states but intimately moves and affects millions of South Sudanese: “Within Southern Sudan the prospect of a more precise definition of the north-south border is also inspiring a more rigid definition of internal ethnic boundaries”¹⁸⁴⁷. Little wonder then given the high stakes involved in gaining political office that ethnic groups also violently resist administrative subdivision that would lessen the strength of their own ethnic group vis-à-vis others. During the demarcation of constituencies for state assembly and national elections, there were violent reactions including assaults on government personnel. These outbursts affected Central Equatoria and Upper Nile in particular¹⁸⁴⁸, two areas characterized by great ethnic diversity and the lack of a numerically dominant group. Martina Santschi relates the example of a chief in Central Equatoria who stopped and confiscated questionnaires during the 2008 national census as he was afraid that his community,

¹⁸³⁹ Frahm, Ole. *Land and belonging in emerging South Sudan*. Paper presented at the Nile Basin Conference ‘Authority, territory, community: dynamics of water, land tenure regimes, and state formation in Africa’, Entebbe (Uganda), October 2013.

¹⁸⁴⁰ Sureau, Timm, “New forms of exclusion in Torit: Contestation over urban land”, in Grawert, Elke (ed.) *Forging Two Nations: Insights on Sudan and South Sudan*. Addis Ababa: OSSREA, 2013, pp. 143-159.

¹⁸⁴¹ El Shazli et al. (2006), p. 34.

¹⁸⁴² Nucci, Domenico. *Land and Property Study in Sudan: Study on arbitration, mediation and conciliation of land and property disputes*. Nairobi: Project OSRO/SUD/409/HCR, Norwegian Refugee Council, UNHCR and FAO, November 2004, p. 38.

¹⁸⁴³ Martin and Sluga (2011), p. 29.

¹⁸⁴⁴ Laudati, Ann, “Victims of Discourse: Mobilizing Narratives of Fear and Insecurity in Post-Conflict South Sudan – The Case of Jonglei State”, *African Geographical Review*, Vol. 30, No. 1, 2011, pp. 15-32.

¹⁸⁴⁵ Rolandsen (2009), p. 23.

¹⁸⁴⁶ Bosco, Ijoo, “Equatoria warns Jonglei over Kasengor district ownership”, *Sudan Tribune*, 29 April 2014, <http://sudantribune.com/spip.php?article50817> (accessed: 30 April 2014).

¹⁸⁴⁷ Johnson, Douglas H. (2010), p. 11.

¹⁸⁴⁸ Centre for International Governance Innovation (2011), p. 3.

which had had to flee and relocate during the war, would be assigned to their payam of residence rather than to the payam for which the community claimed ancestral rights¹⁸⁴⁹.

The most prominent example of a clash between different conceptions of belonging and its implications for access to land is, however, the splurging capital Juba (also the capital of Central Equatoria state) which has had to cope with a massive rise in the number of inhabitants since it became the capital of the South in 2005. As a result, market prices for land have soared¹⁸⁵⁰. While the local Bari community insisted on customary rights to land and were supported by the (non-Bari) Central Equatorial government as a means to limit the central government's influence, the GoSS laid claim to plots based on the language of developmentalism and the overriding imperative of (literally) building institutions for the new state. As Badiy shows, these disputes and mutually conflicting discourses were also present among the common people.

As Juba's diverse residents disputed plots of land in the town's contested neighbourhoods, invoking their plight as victims of the war, their role as vanguard of the liberation movement, their superior education and skills, or their residency in Juba during the difficult war years, they too made claims that reflected competing visions of the state and of citizenship.¹⁸⁵¹

An emphasis on belonging to win economic benefits is also present in those areas of South Sudan that are home to oil fields. In their study on two counties in Upper Nile, Grawert and Andrä observed how local groups organized according to origin and tried to capitalize on their status of originating from the territory to receive preferential treatment, especially in getting employment from the local oil company¹⁸⁵². Those same areas of Upper Nile are, however, also the site of developments that run counter to the emergence of localized autochthony clusters. Between 1999 and 2002, large areas were forcibly cleared by the Sudanese Army and Dinka militias allied to the SAF. As a result many locals had to move to the few nearby semi-urban settlements which grew rapidly¹⁸⁵³. In the post-war period, returnees to this area moved to the cities (e.g. Paloic and Renk) as did other South Sudanese, spurred on by the construction of an all-weather road which "has a clear influence on population settlement, i.e. is attracting movement of people away from the riversides and leads to the growth of new settlements"¹⁸⁵⁴.

Given such a complex environment coupled with the general insecurity surrounding the evolution of the nascent state has meant that belonging is more of a process subject to change and renegotiation than a fixed state of being. In the Uganda-Sudan borderlands, for instance, nationality remained important during the war years as Sudanese refugees self-identified as Sudanese and expected to repatriate eventually¹⁸⁵⁵. While returnees variously counted on their language, their Sudanese voter

¹⁸⁴⁹ Santschi, Martina, "Briefing: Counting 'New Sudan'", *African Affairs*, Vol. 107, No. 429, 2008, pp. 631–640, p. 637.

¹⁸⁵⁰ A 2008 study found that in the three years since the founding of the GoSS, "the cost of a class three plot (20x20) has gone up from \$400 in 2005 to \$10,000–15,000 in 2008". Pantuliano, Sara; Buchanan-Smith, Margie; Murphy, Paul and Mosel, Irina. *The Long Road Home: Opportunities and Obstacles to the Reintegration of IDPs and refugees returning to Southern Sudan and the Three Areas. Report of Phase II: Conflict urbanization and land*. London: Humanitarian Policy Group, Overseas Development Institute, September 2008, p. 29.

¹⁸⁵¹ Badiy, Naseem, "The Strategic Instrumentalization of Land Tenure in 'Statebuilding': The Case Of Juba, South Sudan", *Africa*, Vol. 83, No. 1, 2013, pp. 57–77, p. 60.

¹⁸⁵² Grawert and Andrä (2013), p. 51.

¹⁸⁵³ European Coalition on Oil in Sudan. *Oil Development in northern Upper Nile, Sudan*. May 2006, p. 19.

¹⁸⁵⁴ Gore (2007), p. 175.

¹⁸⁵⁵ Merx (2002), p. 124.

cards but also cultural traits like a particular way of plaiting one's hair as means to prove their identity and right to belong, the entire process of repatriation should "be viewed as a gradual transition over a number of years that allows for people to gradually re-negotiate their ability to belong at both a local and national level"¹⁸⁵⁶. Belonging clearly is not a unidirectional process. It generally does not suffice to consider yourself to belong; you also need to be considered as belonging by your peers¹⁸⁵⁷, which leads on to the global scourges of xenophobia, racism and social marginalization and their local variation in South Sudan.

7.3.2. Xenophobia, racism and social marginalization

Over the last decades of the 20th century, Sudanese Arabism had become increasingly tinged with a racial note that was directed against the peoples in the South as well as the Fur, which were both deemed too dark-skinned to be full citizens of Sudan¹⁸⁵⁸. South Sudan's independence was therefore driven not little by the urge to escape and purge racial discrimination from the state's interactions with its citizens. Thus, the 2008 SPLM Manifesto declared its goal of establishing a citizenship-state devoid of "racial, ethnic or separatist connotations"¹⁸⁵⁹. Racism, xenophobia and intolerance are, however, also to be found in the new Republic of South Sudan and stand in many ways for the darker side of nationalism and the politics of indigenism.

7.3.2.1. *Xenophobia*

Already during the war, the SPLM relied on the common enemy to provide the unifying bond among culturally diverse Southerners and occasionally resorted to blatant racism against Northern *jalaba*¹⁸⁶⁰. Among some of the South's ethnic groups, for instance the Dinka, there are prevailing feelings of cultural exclusivity and superiority to all strangers that may lend themselves to xenophobic attitudes¹⁸⁶¹. Indeed, in the last few years, xenophobia against non-South Sudanese living and working in South Sudan appears to be on the rise. This affects for instance the pastoralist Mbororo (also known as Fulbe) that originally hail from West Africa and today live across most of Central Africa and are habitually suspected of collaborating with armed militias¹⁸⁶². In Western Equatoria, clashes with Mbororo are in fact among the most common forms of violence in the state¹⁸⁶³.

Apart from oil, microenterprises in trading and services make up the bulk of non-agricultural economic activity in South Sudan with most of these businesses run by Kenyans, Ugandans and

¹⁸⁵⁶ Hovil (2010), p. 18.

¹⁸⁵⁷ In an attempt to obviate the need for conflict, contemporary missionaries in South Sudan have sought to address the quarrels over land and autochthony by appealing to biblical tracts that both account for people's intimate relation to *their* land and the universality of Christian brotherhood. Godwin, Colin Robert and Chol, Saphano Riak, "God gave this land to us': A Biblical Perspective on the Tension in South Sudan between Tribal Lands, Ethnic Identity and the Breadth of Christian Salvation", *Mission Studies*, Vol. 30, No. 2, 2013, pp. 208-219.

¹⁸⁵⁸ Sharkey (2007), p. 28.

¹⁸⁵⁹ SPLM. *The SPLM Manifesto*. May 2008, p. 13.

¹⁸⁶⁰ Young, John (2002), p. 112.

¹⁸⁶¹ Deng, Francis M. (2009), p. 39.

¹⁸⁶² International Crisis Group. *Afrique centrale: les défis sécuritaires du pastoralisme*. Africa Report No. 215, 1 April 2014, p. 22.

¹⁸⁶³ Willems and Rouw (2011), pp. 15-17.

Northern Sudanese¹⁸⁶⁴. Small traders and merchants are particularly affected by xenophobia as hatred of foreigners often appears to be fuelled by envy of their economic success. Thus, Kristof Titeca depicts how the main beneficiaries of cross-border trade (mostly small trade in foodstuffs and clothes) between Uganda, DRC and South Sudan are Ugandan traders that exploit the price differential between the countries. These same traders are frequently the targets of hatred and abuse by South Sudanese who feel robbed of what they deem *their* profits¹⁸⁶⁵. Along South Sudan's border with Uganda, for example, the perception abounds that benefits of trade accrue solely to foreign nationals, which has led to occasional violence against foreign traders¹⁸⁶⁶.

With killings of fellow compatriots along the transport routes as well as in Juba becoming increasingly commonplace, the Eritrean diaspora communities organized a protest march in December of 2012¹⁸⁶⁷ while the Ugandan parliament officially complained about harassment of Ugandan traders doing business in South Sudan¹⁸⁶⁸. And in what was alternately perceived as xenophobic jingoism or an effective policy against petty crime, South Sudan expelled all Ugandan *boda boda* (motorcycle taxi) drivers in September 2013¹⁸⁶⁹. In some instances, geopolitics complements envy and greed as drivers of xenophobic outbursts. Eritrean traders and their shops appear to have been deliberately targeted during the post-December 2013 violence based on rumours that Asmara was supplying weapons to Riek Machar's rebel faction¹⁸⁷⁰. Conversely, after Bentiu in Unity State near the border with Sudan was captured by troops loyal to Machar, Darfuris were deliberately targeted and killed by rebel fighters because they were thought to assist the South Sudanese government¹⁸⁷¹.

7.3.2.2. Internal exclusion – returnees, women, youth gangs

Deliberate exclusion and aggressive othering is, however, not restricted to foreign nationals as evidenced by cattle raids that are increasingly inspired more by ethnic hatred than by the prospect of economic gain¹⁸⁷². Discourses of autochthony, instrumentalized by politicians, have become more prominent after the CPA. As Latigo observes,

there has been a growing discourse on issues of 'indigenusness' as people increasingly define themselves in relation to strangers - the emerging 'stayees' vs 'returnees'). debate. This discourse is

¹⁸⁶⁴ Peace Security and Development Network (2009), p. 9.

¹⁸⁶⁵ Titeca, Kristof. *The Changing Cross-Border Trade Dynamics between north-western Uganda, north-eastern Congo and southern Sudan*. London: DESTIN, Crisis States Research Centre, Working Paper No. 63, November 2009, p. 11.

¹⁸⁶⁶ Carrington, Graham. *Cross-border trade: fuelling conflict or building peace? An exploration of cross-border trade between Sudan and Uganda and the implications for peacebuilding*. Conciliation Resources, September 2009, pp. 4-5.

¹⁸⁶⁷ Mule, Misuk Moses, "Eritreans Demonstrate Against Rising Insecurity In Juba", *Gurtong*, 1 December 2012, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/8617/Eritreans-Hold-Demonstrations-Against-Insecurity-In-Juba.aspx> (accessed: 12 August 2013).

¹⁸⁶⁸ Kashaka, Umaru, "Ugandan traders thriving despite harassment in South Sudan", *New Vision*, 12 December 2013, <http://www.newvision.co.ug/news/650438-ugandan-traders-thriving-despite-harassment-in-south-sudan.html> (accessed: 12 December 2013).

¹⁸⁶⁹ Jok, Jok Madut and Mayai, Augustino Ting, "An Emerging Diplomatic Row between Uganda and South Sudan", *The Sudd Institute*, Policy Brief, 20 September 2013.

¹⁸⁷⁰ *Sudan Tribune*, "Eritreans in Bor threatened, shops looted as Jonglei locals accuse Asmara of backing rebels", 9 March 2014, <http://www.sudantribune.com/spip.php?article50242> (accessed: 20 March 2014).

¹⁸⁷¹ *Sudan Tribune*, "S. Sudan rivals trade accusations over human rights abuses", 21 April 2014, <http://sudantribune.com/spip.php?article50729> (accessed: 22 April 2014).

¹⁸⁷² Médecins Sans Frontières (2009), p. 14.

said to be heavily exploited by politicians for their own gain, for instance through limiting political competition by using the label 'foreigner'.¹⁸⁷³

Furthermore, issues of cultural homogeneity and a perceived 'clash of cultures' become intertwined with other identity-based matters of contestation. A driving force for such conflicts – as in fact for many other issues in contemporary South Sudan – is the mass phenomenon of displacement and return that has shaped the last decades since at least the start of the Second War. By some estimates, up to 80% of the population were affected at one point or another. In turn, a large majority of South Sudanese are 'returnees' even if not all of them conceive of themselves as such. For one, in the context of persistently high food insecurity and vulnerability to external shocks like floods or drought (even in peacetime almost half of all South Sudanese were severely or moderately food insecure¹⁸⁷⁴), the mass influx of returnees into the country along with rising commodity prices is a strain on the food security of both returnees and host communities¹⁸⁷⁵.

Yet, beyond economic and livelihood challenges, anxiety over the maintenance of cultural homogeneity also plays a part. Many South Sudanese 'stayees' feared the onslaught and imposition of alien mores and customs due to the arrival and settlement of returnees that had lived abroad for an extended period of time. Women returning to their rural communities after the war were generally perceived as more free than local women, which sometimes precipitated conflict and restrictions on women¹⁸⁷⁶. Dress is mentioned as a key distinguishing aspect as "[m]iniskirts and more sexually forthright women were commonly associated with East African countries"¹⁸⁷⁷ as significant sections of South Sudanese society consider the behaviour and dress of the younger population as a provocation and challenge to traditional cultural norms. These findings are corroborated by a report that "in October 2008 and January 2009, in Juba and Bor respectively, some young women and men were arrested by the police for wearing very tight jeans and short skirts"¹⁸⁷⁸. On the other edge of the scale, returnees from Khartoum and the North in general are sometimes pejoratively called *jalaba* and stigmatized as 'Arabs'¹⁸⁷⁹. Locals in Wau, for example, baptized a settlement which is mostly inhabited by returnees from Khartoum "New Khartoum"¹⁸⁸⁰ (see Ch. 7.1.2.3.). This is particularly harsh for those generations of youth that were raised in the North and often neither speak English nor have a good command of 'their' communities' language¹⁸⁸¹.

While Western dress may be the most outwardly visible sign of difference¹⁸⁸², it stands in for more severe shifts in behaviour that have repercussions for such essential features of South Sudanese life as marriage and dowry; features that are closely linked to the power and wealth of male heads of households. Based on research in the Kenyan Kakuma refugee camp, Katarzyna Grabska shows how

¹⁸⁷³ Latigo (2008), p. 40.

¹⁸⁷⁴ Goodbody, Swithun; Pound, Jonathan and Bonifacio, Rogerio. *FAO/WFP Crop and Food Security Assessment Mission to South Sudan*. Rome, 8 February 2012.

¹⁸⁷⁵ CHF International. *South Sudan: Needs Assessment Report Morobo/Torit County and Khor Wulliang (Juba County)*. January 2012, pp. 6-7.

¹⁸⁷⁶ Myrtilinen and McInturff (2008), p. 13.

¹⁸⁷⁷ Phelan and Wood (2006), p. 41.

¹⁸⁷⁸ Lokuji et al. (2009), p. 15.

¹⁸⁷⁹ Sommers and Schwartz (2011), pp. 6-7.

¹⁸⁸⁰ Run (2012).

¹⁸⁸¹ Panozzo, Irene. *Conflitto e mobilità: il Sudan tra guerre civili e sfollati*. Rome: CeSPI Working Papers, No. 67, November 2009, p. 15.

¹⁸⁸² Sommers and Schwartz (2011), pp. 7-8.

life in the camp has altered gender norms and youth interaction, including a greater openness for marrying outside one's own ethnic group¹⁸⁸³. For the Pari community (originally from Eastern Equatoria), in contrast, the prolonged stay in the multinational environment of the Kakuma refugee camp actually strengthened group cohesion and identification¹⁸⁸⁴. Either way, many returnee couples face severe constraints due to the fact that bride wealth used to be monetized in Kakuma whereas clans in South Sudan insist on dowry being paid in cattle¹⁸⁸⁵. In Khartoum, on the other hand, South Sudanese were not only subjected to harassment and discrimination from the state but members of South Sudanese communities themselves policed each other's conduct, for instance by restricting mobile phone use, to avoid the loss of cultural integrity (and male power) in the diaspora¹⁸⁸⁶. Thus, returnee youths even more than other sections of society tend to try their luck in the urban settlements, not only because of the general dislike for agricultural labour but also for its more open and liberal social climate¹⁸⁸⁷.

On the other hand, the vast numbers of returnees to South Sudan and the secondary internal migration to the few cities and hence an ongoing rapid process of urbanization¹⁸⁸⁸ best visible in the capital Juba and in the well-connected areas of oil development¹⁸⁸⁹, are processes that may actually lay the groundwork for a positive or negative collective South Sudanese identity. Rather than leading to exclusion, the common experience of displacement – however different it surely was for each individual – could be the kernel of a national identity. The necessity to adapt to new, often not overly welcoming surroundings might actually be an asset for would-be nation-builders.

Finally, a convenient other for the self-definition-by-dissociation are social deviants that fall out of the standard norms of accepted and acceptable behaviour in South Sudan and are therefore easily disparaged by wide sections of society. Youths in South Sudan not only challenge traditional norms and authority by their lifestyle choices but also through collective violence and crime. Youth gangs constitute a substantial problem in urban areas of South Sudan, in particular in Juba, where they are the manifestation of “the disintegration of family units and social exclusion”¹⁸⁹⁰. It is not surprising

¹⁸⁸³ Grabska, Katarzyna, “Marrying on credit: the burden of bridewealth on refugee youth”, *Forced Migration Review*, No. 40, August 2012, pp. 7-8. One has to be careful, though, not to idealize the situation of women and girls in Kakuma where sexual abuse, abductions and forced marriages were commonplace. Ossome, Marilyn, “Violence against South Sudanese Women & Girls in Kakuma”, in Grawert, Elke (ed.) *After the Comprehensive Peace Agreement in Sudan*. Woodbridge / New York: Boydell & Brewer / James Currey, 2010, pp. 158-175.

¹⁸⁸⁴ Kurimoto, Esei, “Changing Identifications among the Pari Refugees in Kakuma”, in Schlee, Günther and Watson, Elizabeth E. (eds.) *Changing identifications and alliances in North-East Africa. 2. Sudan, Uganda and the Ethiopia-Sudan borderlands*. New York: Berghahn Books, 2009, pp. 219-233.

¹⁸⁸⁵ Grabska (2012).

¹⁸⁸⁶ Kindersley, Nicki. *The ‘Fifth Column’: Being ‘Southern’ in Khartoum, 1956-2011*. Paper presented at the 56th Annual Meeting of the African Studies Association, Baltimore, November 2013.

¹⁸⁸⁷ Njeru, Shastry, “Dealing with the past: The youth and post-war recovery in southern Sudan”, *African Journal on Conflict Resolution*, Vol. 10, No. 3, 2010, pp. 29-50, p. 45. Another sign of changing attitudes (at least in the urban areas) is SHE, the country's first women's magazine, published since 2012. SHE magazine's website is available at: <http://shesouthsudan.org/magazine/>

¹⁸⁸⁸ Newhouse (2012), p. 3.

¹⁸⁸⁹ Gore (2007), p. 175.

¹⁸⁹⁰ Martin, Ellen. *Gender, violence and survival in Juba, Southern Sudan*. London: Humanitarian Policy Group Policy Brief No. 42, Overseas Development Institute, November 2010, p. 4.

that some form of youth movements should emerge as the population is extremely young¹⁸⁹¹ and the youth bulge is not met by sufficient opportunities in social, economic and political life for the younger generations.

7.3.3. Contested citizenship

The formal expression and basis for all the debates over belonging and autochthony is citizenship, which is also on an individual level the precondition for inclusion into more intricate debates over land, rights and national identity. In spite of South Sudan's independence, Sudan's legal framework as well as its de facto approach to handling matters of citizenship impact directly on South Sudan and, more importantly, on hundreds of thousands of South Sudanese¹⁸⁹². The key cause for the post-secession difficulties is to be found in the hierarchical conception of citizenship embedded in both Sudanese and South Sudanese law according to which descent and therefore ethnicity form the basis for nationality¹⁸⁹³.

South Sudanese citizenship is predicated on descent although there can be mitigating circumstances. The 2009 Referendum Act, which functioned as a blueprint for post-independence citizenship legislation, declared eligible to vote anyone who was

1) Born to parents both or one of them belonging to one of the indigenous communities that settled in Southern Sudan on or before the 1st of January 1956, or whose ancestry is traceable to one of the ethnic communities in Southern Sudan, or, 2) permanent resident, without interruption, or whose any of the parents or grandparents are residing permanently, without interruption, in Southern Sudan since the 1st of January 1956.¹⁸⁹⁴

In other words, South Sudan grants nationality to anyone born on its soil or anyone who is of South Sudanese 'tribal' descent.

Across the border to the North, the Sudan Nationality Act has been revised and altered several times since its inception in 1957 and was last amended along with the signing of the CPA in 2005¹⁸⁹⁵ and again in 2011. The most recent amendment of the Sudanese Nationality Act provides that anyone who has de facto or de jure acquired South Sudanese nationality will automatically lose his or her Sudanese nationality (section 10(2)). The same applies to those whose father has acquired South Sudanese nationality (section 10(3))¹⁸⁹⁶. Sudan moreover chooses a particularly strict reading of South Sudan's nationality law to strip even those residents of Sudanese citizenship that had but one great-grandparent born in South Sudan¹⁸⁹⁷. Southerners living in the North generally qualify as

¹⁸⁹¹ According to the 2008 census, 55% of the population was younger than twenty. Southern Sudan Centre for Census, Statistics and Evaluation. *Southern Sudan Counts: Tables from the 5th Sudan Population and Housing Census, 2008*. Juba, 19 November 2010, p. 10.

¹⁸⁹² Copnall, James, "Dispossessed: the South Sudanese without a nationality", *BBC News*, 6 April 2012, <http://www.bbc.co.uk/news/world-africa-17624075> (accessed: 20 April 2012).

¹⁸⁹³ Assal (2011), p. 4.

¹⁸⁹⁴ *Southern Sudan Referendum Act 2009*. Draft Translation, 21 February 2010, Section 25: Voter's Eligibility.

¹⁸⁹⁵ Abdulbari, Nasredeen, "Citizenship Rules in Sudan and Post-Secession Problems", *Journal of African Law*, Vol. 55, No. 2, 2011, pp. 157-180, pp. 159-60.

¹⁸⁹⁶ *Sudanese Nationality Act (Amendment) 2011*. 10 August, 2011.

¹⁸⁹⁷ Human Rights Watch, "Sudan: Don't Strip Citizenship Arbitrarily", 2 March 2012, <http://www.hrw.org/news/2012/03/02/sudan-don-t-strip-citizenship-arbitrarily> (accessed: 4 February 2014).

'second-class citizens'¹⁸⁹⁸ and, in contravention to the CPA, sharia law has been applied indiscriminately to all residents of Northern Sudan¹⁸⁹⁹. In practice, these provisions mean that residents of Sudan that qualify for South Sudanese citizenship are automatically stripped of their Sudanese citizenship, regardless of whether they seek to obtain South Sudanese citizenship or not¹⁹⁰⁰.

This is a monumental problem for many people of Southern descent that have often lived in the North for decades and, all things equal, intend to stay on due to better economic and educational opportunities than in the South¹⁹⁰¹. "Being in the capital for years, many IDPs prefer to seek local integration – even if life in Khartoum comes with a high level of marginalization – rather than to return to uncertainty"¹⁹⁰². Bronwen Manby in 2012 calculated a figure of between 500,000-700,000 Southerners in the Republic of Sudan that face arrest, statelessness and expulsion due to the lack of a politically amicable solution between Juba and Khartoum, the absence of South Sudanese consular services in Khartoum and the passing of an April 2012 deadline to regularize one's citizenship and residence status¹⁹⁰³. As a consequence of their state of legal limbo, many people had by then also lost their jobs or property titles¹⁹⁰⁴. There are also thousands of Northerners living in the South facing a similar plight¹⁹⁰⁵.

However, there is evidence that Sudan *can* be pragmatic with citizenship laws when it comes to ensuring the supply of cheap Southern labour. El Gizouli argues that the NCP government's willingness to relent on citizenship rights for South Sudanese and negotiate over the 'four freedoms' in 2012 can be traced to an acute lack of agricultural labourers in the North as Northerners are escaping the hardships of farm work for the vague hope of the current gold rush¹⁹⁰⁶. On the other hand, there are also complaints about the process of proving citizenship and attaining nationality documents inside South Sudan as many people lack birth certificates and are harassed by those in charge¹⁹⁰⁷. In a sadly ironic reversal of Sudanese racism, Ferenc Marko mentions the difficulties some

¹⁸⁹⁸ See Bützer, Christina. *The second-class citizens of Sudan: A study of southern Sudanese in Khartoum*. Inauguraldissertation zur Erlangung des Grades einer Doktorin der Philosophie, Fachbereich Politik und Sozialwissenschaften der Freien Universität Berlin, 2011.

¹⁸⁹⁹ Antwi-Boateng and O'Mahony (2008), p. 165.

¹⁹⁰⁰ Scherr, Kathrin Maria, "Legal Implications of Sudan's Separation: the Question of Citizenship", in Heinrich Böll Foundation and Weis, Toni (eds.) *Sudan after Separation. New Approaches to a New Region*. Vol. 28 in the publication series on democracy. Berlin: Heinrich Böll Foundation, 2012, pp. 100-103, p. 101.

¹⁹⁰¹ Smith, Jennifer and Charny, Joel R. *Sudan: Preventing Violence and Statelessness as Referendum Approaches*. Washington, DC: Refugees International, 29 June 2010, p. 3.

¹⁹⁰² de Geoffroy, Agnès. *The Challenge of Protracted Displacement: The Case of Khartoum*. Washington, DC: Middle East Institute and the Fondation pour la recherche stratégique, February 2011, p. 5.

¹⁹⁰³ Manby, Bronwen. *The Right to a Nationality and the Secession of South Sudan: A commentary on the impact of the new laws*. Nairobi: Open Society Initiative for Eastern Africa, 16 April 2012, p. 2.

¹⁹⁰⁴ Ibid, p. 3.

¹⁹⁰⁵ Abdulbari (2011), p. 169.

¹⁹⁰⁶ El Gizouli, Magdi, "South Sudanese labour: refill the 'kambo'", *StillSUDAN*, 8 October 2012, <http://www.stillsudan.blogspot.de/2012/10/south-sudanese-labour-refill-kambo.html> (accessed: 11 January 2013).

¹⁹⁰⁷ *Radio Miraya*, "Who is eligible for South Sudanese nationality", no date, <http://www.radiomiraya.org/interviews2/8623-who-is-eligible-for-south-sudanese-nationality113.html#gsc.tab=0> (accessed: 23 March 2014).

lighter-skinned South Sudanese had in obtaining national identity cards in South Sudan because the officials in charge considered them 'not black enough'¹⁹⁰⁸.

7.3.4. Christianity

Religion has played an ignominious role throughout Sudan's colonial and post-colonial history. Northerners' sense of superiority towards Southern Sudanese rested not only on racial categories but was strengthened by the gulf between Muslim and non-Muslim populations which made the latter variously the targets of exploitation (e.g. slave raids) or proselytization. The 1983 sharia laws and the Islamist take-over of the state under Hassan al-Turabi's National Islamic Front after 1989 marked a further break with the letter of the preceding secular constitutions. Since 1998 Sudan has had an Islamic constitution, positing Islam and sharia as the insurmountable pillars of the state¹⁹⁰⁹. Moreover, the longer the civil war raged, the greater the prominence of religious themes and identities in the outward presentation of the struggle between the Sudanese government and the SPLA, with Khartoum receiving an influx of radical Muslims from abroad while evangelical Christians from Norway and the U.S. supported the SPLA¹⁹¹⁰. The issue of religion also proved divisive during the CPA negotiations so that the debate over the place of religion in the state contributed significantly to the agreement that split the country into two¹⁹¹¹.

Christian churches likewise made an important contribution to the divisive nature of postcolonial political and societal relations in Sudan. Though not officially sponsored by the British colonial power, missionary schools were effectively granted a monopoly of education in the South, which was closed off to Northern traders and Islamic *madrassas* due to the Closed Districts Ordinance until the late 1940s¹⁹¹². In present-day South Sudan, Christianity has become the majority religion – even if followers split into different creeds ranging from Catholics to Anglicans and various Evangelical churches – but its role in politics and in particular in the definition of the nation is yet to be fully determined.

Crucially, Christianity in Southern Sudan has been entangled in the liberation struggle. While missionaries had not been particularly successful in converting substantial numbers of South Sudanese prior to Sudanese independence¹⁹¹³, this changed through the course of the two wars. Whereas Ali Mazrui had in the late 1960s still depicted the religious dimension of the conflict as the "confrontation between local Islamic authority and expatriate Christianity"¹⁹¹⁴, the expulsion of all

¹⁹⁰⁸ Marko, Ferenc David, "Fakeness and Originality of Citizenship in South Sudan", paper presented at the workshop *Emerging South Sudan: negotiating statehood*, Max-Planck-Institut for Social Anthropology, Halle/Saale, 23-24 September 2013.

¹⁹⁰⁹ Warburg, Gabriel. *Islam, sectarianism and politics in Sudan since the Mahdiyya*. London: Hurst, 2003, pp. 214-15.

¹⁹¹⁰ Woodward (2006), p. 168.

¹⁹¹¹ Stiansen, Endre, "How Important is Religion? The Case of the Sudan Peace Negotiations", *Oslo Forum06*, Centre for Humanitarian Dialogue, 2006, pp. 35-39, p. 38.

¹⁹¹² Although the degree of colonial connivance with the missionaries should not be exaggerated. Bleuchot, for instance, writes that the British policy in the South was better described as 'pro-Pagan'. Bleuchot, Hervé, "La liberté religieuse au Soudan: du système moderne au système antique", *Annuaire de l'Afrique du Nord*, Vol. 34, 1995, pp. 143-173, p. 145.

¹⁹¹³ Burton (1985), p. 368.

¹⁹¹⁴ Mazrui, Ali, "The Multiple Marginality of the South", in Hasan, Yusuf Fadl (ed.) *Sudan in Africa*. Khartoum: Khartoum University Press, 1971, pp. 240-255, p. 247.

Christian missionaries in 1964 had the inverse effect of strengthening Christianity in the South because the growth of an indigenous clergy also led to an indigenization of Christianity¹⁹¹⁵. Christianity definitely became associated with the liberation struggle during the Anya-nya era, which for many Southerners bore an eerie resemblance to the Mahdiyya¹⁹¹⁶. While church organisations, in particular the World Council of Churches, were vital in negotiating between Southern rebels and the Khartoum government in the run-up to the 1972 Peace Treaty¹⁹¹⁷ and resistance to sharia law had been a driving force of resistance to Khartoum¹⁹¹⁸, the real boost to Christianity came after 1990. When the SPLA lost its Ethiopian Communist backers in 1991 it became more open to Christianity and, especially after Operation Lifeline Sudan, came to see churches as potential allies¹⁹¹⁹ – even if it was mostly a tactical move and Christianity did not play a key role in shaping the ideology of resistance¹⁹²⁰.

This happened at the same time when the fundamentalist Islamist regime in Khartoum introduced a religious note into the war narrative and propaganda¹⁹²¹. But people also turned to Christianity to seek refuge and solace from the intra-South violence as tens of thousands of Dinka and Nuer converted during the 1990s¹⁹²². In fact, some church leaders during this time “felt let down by the GOS and the SPLAs alike”¹⁹²³. And it is certainly true that acceptance and respect for Christianity grew because “local churches were among the few actors that stayed and suffered with the local populations during the civil war”¹⁹²⁴. Thus Harragin points to the perceived utility (health care, education) of Christianity that drove Dinka conversion¹⁹²⁵, whereas Hutchinson observed that for many Western Nuer “Christianity came to symbolise the possibility of political equality, community development and self-enhancement in the context of the increasingly vicious Islamic jihad being waged against them from the North”¹⁹²⁶. Refugees also made up a large contingent among converts¹⁹²⁷. Accordingly, contemporary prophets, some of whom engaged in the fighting, employ a syncretic mix of spiritual and magic rhetoric so as to comply with the increasingly dominant Christian monotheism¹⁹²⁸. Accommodating this rapprochement is the fact that Christianity in South Sudan is as

¹⁹¹⁵ Bleuchot (1995), p. 154.

¹⁹¹⁶ Johnson, Douglas H. (1993), p. 55.

¹⁹¹⁷ Ladouceur (1975), pp. 423-24.

¹⁹¹⁸ Köndgen, Olaf, “Shari’a and national law in the Sudan”, in Otto, Jan Michiel (ed.) *Sharia Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present*. Leiden: Leiden University Press, 2010, pp. 181-230, p. 221.

¹⁹¹⁹ Gabrielsen (2007), p. 38.

¹⁹²⁰ de Waal. *Sudan: What kind of state?* (2007), p. 4.

¹⁹²¹ Wheeler, Andrew, “Finding Meaning amid the Chaos: Narratives of Significance in the Sudanese Church”, in Kastfelt, Niels (ed.) *Religion and African Civil Wars*. London: Hurst and Company, 2005, pp. 54-81, pp. 56-57.

¹⁹²² Nikkel, Marc, “‘Children of Our Fathers’ Divinities’ or ‘Children of Red Foreigners’?”, in Wheeler, Andrew (ed.) *Land of Promise: Church growth in a Sudan at war*. Limuru, Kenya: Paulines Publications Africa, 1997, pp. 61-78.

¹⁹²³ Duffield, Mark; Young, Helen; Ryle, John and Henderson, Ian. *Sudan Emergency Operations Consortium (SEOC): A Review*. University of Birmingham, February 1995, p. 220.

¹⁹²⁴ Breidlid, Ingrid Marie and Stensland, Andreas Øien, “The UN Mission and Local Churches in South Sudan: Opportunities for Partnerships in Local Peacebuilding”, *Conflict Trends*, No. 3, 2011, pp. 29-36, p. 34.

¹⁹²⁵ Harragin (2004), p. 327.

¹⁹²⁶ Hutchinson (2001), p. 316.

¹⁹²⁷ Zink, Jesse, “Songs of exile and faith: Dinka Christians in South Sudan”, *The Christian Century*, Vol. 131, No. 1, 2014, pp. 24-27.

¹⁹²⁸ de Montclos, Marc-Antoine Pérouse, “Le Soudan. Une guerre de religions en trompe-l’oeil”, in *L’Afrique politique 2002. Islams d’Afrique: entre le local et le global*. Paris: Karthala, 2002, pp. 33-49, p. 45.

a rule not too dogmatic as “there is scope for personal interpretation and integration with existing beliefs”¹⁹²⁹.

As a result, Christian symbolism and Christian language have become very popular as a way of describing or relating political issues, including national history. The spread of Christianity throughout the long civil war may have played a part in the drive for Kush or Cush as the name for the country because Cush is actually mentioned in the Bible. Some writers also liken the South Sudanese’s four decades of armed struggle to the forty years the Israelites spent in the desert. In this scenario, John Garang represents Moses¹⁹³⁰, which is only fitting since he died shortly after signing the CPA and never saw an independent South Sudan – much like Moses himself never returned to Judea. In 2005, in a speech accompanying the signing of the CPA, John Garang himself claimed that Moses had probably had a Sudanese wife, that the White Nile was one of the four rivers in paradise and that his home village Wangkule was therefore part of Garden Eden¹⁹³¹. Another story from the Bible that is treated as an analogy to the South Sudanese’s experiences of persecution, displacement and exile is the story of Joseph whose brothers hated him without reason, who had to escape abroad and who was jailed in Egypt, yet never – and herein lies the lesson for contemporary South Sudan – sought revenge or retaliation¹⁹³².

There are also occasions when clergymen show a very pronounced self-confidence and conviction in the centrality of the church to South Sudanese nationalism. Nicki Kindersley mentions an influential bishop who proclaimed that “before there was a political party in this country there was a church” and that “the genesis of South Sudanese nationalism was in the church”¹⁹³³. Some church leaders are also in a position to speak truth to power as the priest in Salva Kiir’s church in Juba openly criticized the president during Mass¹⁹³⁴. In early 2013, the Presbyterian Church of South Sudan actually called on the government to reverse the separation of state and religion enshrined in the constitution while Riek Machar, himself a member of the Presbyterian Church, proposed to replace strict secularism with the clarification that there is no state religion in South Sudan¹⁹³⁵. Clearly, in a situation of ongoing tensions with Sudan and given that there remain substantial pockets of Muslims inside South Sudan (especially in Bahr-al-Ghazal)¹⁹³⁶, even the appearance that Christianity was merging with the state apparatus could be seen as inflammatory and deeply worrying to non-Christians and secular Christians alike. On the other hand, church efforts can also mirror and go hand-in-hand with state objectives in constructing a unified nation. One such example is the Catholic Church nationwide

¹⁹²⁹ Nikkel, Marc, “Aspects of Contemporary Religious Change among the Dinka”, *Journal of Religion in Africa*, Vol. 22, No. 1, 1992, pp. 78-94, p. 80.

¹⁹³⁰ See, for instance, Shimanyula, James Bandi. *John Garang and the SPLA*. Nairobi: Africawide Network, 2005.

¹⁹³¹ Garang, John. *SPLM Chairman’s Address to Signing Ceremony of the Sudan Comprehensive Peace Agreement*. Nairobi, 9 January 2005, pp. 6-7.

¹⁹³² Chol, Deng Majok, “To South Sudan seeds of nation generation”, *Sudan Tribune*, 3 May 2014, <http://www.sudantribune.com/spip.php?article50871> (accessed: 4 May 2014).

¹⁹³³ Kindersley, Nicki, “Franklin Graham in Juba, and the separation of church and state”, *internally displaced*, 29 October 2012, <http://internallydisplaced.wordpress.com/2012/10/29/franklin-graham-in-juba-and-the-separation-of-church-and-state/#more-343> (accessed: 14 April 2013).

¹⁹³⁴ *Sudan Tribune*, “Kiir resumes attending church services after 9-month break”, 30 October 2013, <http://www.sudantribune.com/spip.php?article48631> (accessed: 2 May 2014).

¹⁹³⁵ *Sudan Tribune*, “South Sudan Church calls to review separation of religion and the state”, 5 February 2013, <http://www.sudantribune.com/spip.php?article45420> (accessed: 7 February 2013).

¹⁹³⁶ Hale (2012), p. 321.

pastoral project conducted in the run-up to Southern independence which went under the slogan 'One Nation from Every Tribe, Tongue, and People'¹⁹³⁷.

7.3.5. Justice and Reconciliation

Striving for national unity and cohesion may not require a universal bond with those who are deemed fellow members of the same nation; feeling something less than hatred and a mortal grudge may, however, indeed be necessary. That is why in a country that has seen so much internecine warfare over the last couple of decades, justice and reconciliation have such an important role to play and are intricately linked to the project of building a South Sudanese nation. Yet, thinking about justice and reconciliation in South Sudan, it is hard to say who is to reconcile with whom. Dinka with Nuer? Anyanya II with the SPLA? Equatorians with Nilotics? Child soldiers with their recruiters? Soldiers with civilians? Moreover, as the war lasted for more than two decades, there are two decades worth of deeds, of atrocities, of human rights violations that might be included and many purely local grievances that do not resonate on the national level. In fact, things do not stop with the Comprehensive Peace Agreement or even with the Juba Declaration in 2006. As violence continues throughout many parts of South Sudan, in particular but certainly not only in Jonglei where a special reconciliation committee was convened in 2012¹⁹³⁸, justice and reconciliation can, might and ought to be sought for events that only just occurred.

7.3.5.1. Churches and people-to-people reconciliation

In what amounts to arguably the most substantial contribution of civil society to peacebuilding in South Sudan, the churches took over the task of reconciliation during the war and remain an important if not undisputed actor in the present. During the latter stages of the war, the New Sudan Council of Churches (NSCC) was instrumental in guiding people-to-people peace negotiations between Dinka and Nuer at Wunlit in 1999¹⁹³⁹. The SPLM/A and several Nilotic traditional leaders recognized the NSCC as a neutral arbiter in 1998, thus jumpstarting the process that led to more than forty NSCC-led people-to-people conferences¹⁹⁴⁰. In addition, "there is recognition by SPLM/A that the reconciliation is happening in spite of it"¹⁹⁴¹. Even though churches remain in many places the only indigenous civil society organization and are (after radio) the most common source of information for South Sudanese¹⁹⁴², following the CPA the church has lost some of its standing as a

¹⁹³⁷ Hollenbach, David, "Creating South Sudan. The challenges of nation-building", *America Magazine*, 7 November 2011, <http://americamagazine.org/node/150318> (accessed: 2 April 2013).

¹⁹³⁸ Republic of South Sudan, The Presidential Committee for Community Peace, Reconciliation and Tolerance in Jonglei State, Jonglei State Communities Conference for Peace, Reconciliation and Tolerance held in Bor, 1-5th May 2012, *Conference Resolutions and Recommendations*. Available at: http://groups.google.com/group/sudan-john-ashworth/browse_thread/thread/thread/edf8a53384096bf5?pli=1, cited by da Costa, Diana Felix, "Responses to Intercommunal Violence in Jonglei", *e-International Relations*, 18 June 2012.

¹⁹³⁹ Human Rights Watch (2003), p. 158. A very detailed account of the Wunlit peace conference including transcripts of the proceedings can be found at <http://southsudanfriends.org/wunlit/index.html> (accessed: 11 March 2013).

¹⁹⁴⁰ Agwanda and Harris (2009), p. 43.

¹⁹⁴¹ Nyang'oro, Julius E. *Local Level Intergroup Peace Building In Southern Sudan - An Assessment of Effective Practices*. Greater Horn of Africa Peace Building Project, Report for USAID, March 2001, p. 11.

¹⁹⁴² Consumer Options. *South Sudan Media Survey (Juba, Wau, Maridi, Panyagor, Yambio and Yei)*. Nairobi: Education Development Center, 2008, p. 6.

peacebuilding actor as many church leaders took up jobs in the GoSS and with NGOs¹⁹⁴³. After a massive Murle attack on Lou Nuer in August 2011, President Kiir decided to rely on the services of the South Sudan Council of Churches to help bring an end to the circle of retaliatory violence¹⁹⁴⁴. As this example shows, however, church mediation is not always successful as violence resumed soon thereafter while the chief negotiator, Archbishop Daniel Deng Bul Yak, was deemed partial to Dinka interests and was rejected by both conflict parties¹⁹⁴⁵. Recently, in response to the fighting in the country since December 2013, the Catholic church has declared “Forty Days of Prayer, Fasting, and Charity for Justice, Peace and Reconciliation in South Sudan” for Lent 2014¹⁹⁴⁶.

7.3.5.2. Official reconciliation efforts

As it stands, the CPA also included a chapter that called for a “comprehensive process of national reconciliation and healing throughout the country”¹⁹⁴⁷. Several other voices insisted on the role to be played by restorative as well as retributive and punitive forms of justice since these are common forms of dealing with death and other calamities in South Sudanese societies¹⁹⁴⁸. The Juba-based Sudd Institute, for one, sees a preventive component in coming clean over past crimes between South Sudanese because “[s]weeping them under the rug in the hope that they will be forgotten has only meant continued outbreaks of communal violence in revenge”¹⁹⁴⁹. The public also appears to be much more in favour of some justice and compensation (e.g. cattle) for war-induced sufferings as opposed to government officials who in the majority seek reconciliation without justice¹⁹⁵⁰. A journalist I spoke to who was in principle very open toward reconciliation admitted that as both of his parents had been killed in fighting between Southern militias, he could not forgive unless those responsible were held accountable and punished¹⁹⁵¹.

A Rift Valley Study from 2006, however, advocates that we should apply different standards to the reconciliation process in South Sudan than to any normal instance of post-war justice. According to their reasoning, one has to be careful when applying international standards of justice and morality to local circumstances where different modes of dealing with what would be considered war-crimes in the West prevail. This has, for instance, been the case in several of the reconciliation meetings from 1999 onwards that have allowed for the reintegration of former enemy fighters (after the 1991 Nasir split) into the SPLM/A as community survival was awarded greater importance than individual

¹⁹⁴³ Breidlid and Stensland (2011), p. 34.

¹⁹⁴⁴ Wilson, Hamish, “Jonglei Massacres - case for collaborative peacebuilding”, *Insight on Conflict*, 21 February 2012, <http://www.insightonconflict.org/2012/02/massacres-jonglei-collaborative-peacebuilding/> (accessed: 4 February 2013).

¹⁹⁴⁵ Leff (2012), p. 7.

¹⁹⁴⁶ Ordo Fratrum Minorum, “The Way of the Cross in Juba, South Sudan”, 8 April 2014, <http://www.ofm.org/ofm/?p=7277&lang=en> (accessed: 9 April 2014).

¹⁹⁴⁷ *The Comprehensive Peace Agreement Between The Government of The Republic of The Sudan and The Sudan People’s Liberation Movement/Sudan People’s Liberation Army*. Naivasha, 9 January 2005, §1.7 Reconciliation.

¹⁹⁴⁸ LeRiche, Matthew, “In South Sudan courts and justice are essential for peace: A reply to Mbeki and Mamdani”, *African Arguments*, 19 February 2014, <http://africanarguments.org/2014/02/19/in-south-sudan-courts-and-justice-are-essential-for-peace-a-reply-to-mbeki-and-mamdani-by-matthew-leriche/> (accessed: 20 February 2014).

¹⁹⁴⁹ The Sudd Institute (2013), p. 9.

¹⁹⁵⁰ Reeves (2012), p. 47.

¹⁹⁵¹ Interview in Juba, 24 October 2013.

accountability¹⁹⁵². In 2014, Thabo Mbeki, former president of South Africa and lead AU mediator between Sudan and South Sudan, and well-known Ugandan academic Mahmood Mamdani argued along the same lines that courts could not bring peace to a post-war situation like South Sudan's¹⁹⁵³. Complicating the matter of accountability for past crimes is a series of amnesty provisions that stretch back to the first civil war and the 1972 Addis Ababa Peace Accord. SPLM and splinter groups, who both committed severe human rights abuses in the aftermath of the Nasir split in 1991, made sure to include broad amnesty provisions in subsequent peace deals thus preventing any accountability for past crimes¹⁹⁵⁴.

Hence, the official state-sanctioned national reconciliation process is in line with Mbeki and Mamdani's reasoning and counts on reconciliation as the sole pillar to forgiveness¹⁹⁵⁵. In what turned out to be a very controversial decision, former vice-president Riek Machar was charged with initiating and supervising national reconciliation and he appointed his wife Angelina Teny as the head of the newly founded 'Initiatives of Change South Sudan', which was supposed to guide the process¹⁹⁵⁶. Machar, of course, as head of the Nasir faction was responsible for ordering the Bor massacre in late 1991 when "troops who were moving from homestead to homestead looting property, food and animals, killed over 2,000 Dinka civilians"¹⁹⁵⁷; an atrocity that is among the most well-known in South Sudan and for which Machar has repeatedly apologized¹⁹⁵⁸. Whereas some praised Machar for the courage to admit to his guilt, others saw his stewardship of the process as a calculated move to increase his countrywide popularity in the run-up to elections¹⁹⁵⁹ and a ploy to build up an anti-Kiir bloc with support from the Greater Upper Nile region¹⁹⁶⁰.

¹⁹⁵² Bradbury, Mark; Ryle, John; Medley, Michael and Sansculotte-Greenidge, Kwesi. *Local Peace Processes in Sudan: A Baseline Study*. Rift Valley Institute, 2006, p. 14.

¹⁹⁵³ Mbeki, Thabo and Mamdani, Mahmood, "Courts Can't End Civil Wars", *New York Times*, 5 February 2014, http://www.nytimes.com/2014/02/06/opinion/courts-cant-end-civil-wars.html?_r=1 (accessed: 20 February 2014).

¹⁹⁵⁴ Human Rights Watch. *Selling Justice Short* (2009), pp. 69-70. In 1995, for instance, the SPLM/A and the breakaway South Sudan Independence Movement/Army signed the Lafon Declaration which established a ceasefire and, quoted with disapproval by Jemera Rone, "a general and unconditional amnesty, covering the period from 18/8/1991 to 27/4/95, to all sides of the split, so that nobody may be prosecuted or punished for actions committed during this period". Rone, Jemera. *Behind the Red Line: Political Repression in Sudan*. New York: Human Rights Watch, 1996, p. 340.

¹⁹⁵⁵ The National Peace and Reconciliation Commission's strategic plan for the upcoming years is supposed to be guided by the values of "Respect for all persons; Unity of South Sudan and a common identity; Peaceful co-existence; Reconciliation, forgiveness and opposition to hate speech; Tolerance" but there is no mention of justice and accountability in the twenty-page document. South Sudan Peace and Reconciliation Commission. *Strategic Plan 2013 – 2015*. Juba, January 2013, p. 17.

¹⁹⁵⁶ The Sudd Institute (2013), p. 3.

¹⁹⁵⁷ Amnesty International. *Sudan: A continuing human rights crisis*. London: Amnesty International Publications, April 1992, p. 17.

¹⁹⁵⁸ *Sudan Tribune*, "South Sudan's Machar confirms Bor 'apology', calls for wider reconciliation", 28 August 2011, <http://www.sudantribune.com/spip.php?article39979> (accessed: 3 May 2013).

¹⁹⁵⁹ *South Sudan Nation*, "Not enough: Machar's political scheming on the National Reconciliation", 14 February 2013, <http://www.southsudannation.com/not-enough-kiirs-reshuffles-just-window-dressing/> (accessed: 14 April 2014).

¹⁹⁶⁰ Pendle, Naomi, "Talk of Truth, Reconciliation and Justice in South Sudan", *Africa at LSE*, 30 January 2014, <http://blogs.lse.ac.uk/africaatlse/2014/01/30/talk-of-truth-reconciliation-and-justice-in-south-sudan/> (accessed: 14 April 2014).

As the rivalry between Salva Kiir and his deputy became more pronounced in early 2013, Machar was relieved of his duties as head of the commission and the reconciliation process stalled¹⁹⁶¹. At the same time, in a duplication of structures not uncommon in South Sudan, the president created a *Committee of National Healing, Peace and Reconciliation* whose composition – in contrast to the *commission* – was free of politicians, included only religious authorities and was to follow a “spiritual agenda to reconciliation”¹⁹⁶². While the Committee’s mission statement is impregnated with a Christian tune of forgiveness and atonement, mentions weak and fallible human beings and a long process of physical, psychological and spiritual healing, it also contains the recognition that the continued presence of war leaders in positions of power “is not only the most difficult obstacle to reconciliation; it complicates the restoration of justice, rule of law, and security”¹⁹⁶³. Should funds eventually become available, the idea is to start local processes of gathering information about grievances and then design local responses that ideally should emanate from traditional South Sudanese forms of justice¹⁹⁶⁴. My interlocutor gave the example of Dinka reconciliation which hinges upon the killer paying blood money to the family of the victim, then a white bull is slaughtered and both the killer and the victim's brother eat from a specific organ¹⁹⁶⁵.

The latest stage in South Sudan’s own initiatives at reconciliation was launched in the midst of civil war in April 2014. The newly founded National Platform for Peace and Reconciliation, which in addition to the two bodies mentioned above (South Sudan Peace and Reconciliation Commission; Committee for National Healing, Peace and Reconciliation) also includes the Parliamentary Committee for Peace and Reconciliation, is supposed to reach out to all sides and help with peace negotiations¹⁹⁶⁶. The issue of justice also crept into debates over a settlement of the violence that has engulfed parts of South Sudan since mid-December 2013. Ambassador Joseph Ayok Anei from South Sudan’s Ministry of Foreign Affairs envisions a process in which those guilty for the ‘coup’ will be tried and then pardoned by president Kiir, in analogy to how Pope John Paul II forgave Mehmet Ali Ağca who had tried to assassinate him¹⁹⁶⁷. And Salva Kiir himself, in a speech he gave in Juba in

¹⁹⁶¹ *Sudan Tribune*, “South Sudan's Kiir withdraws delegated executive powers from VP Machar”, 15 April 2013, <http://www.sudantribune.com/spip.php?article46237> (accessed: 22 February 2014).

¹⁹⁶² Interview with a member of the Committee of National Healing, Peace and Reconciliation, Juba, 18 October 2013.

¹⁹⁶³ Bul, Daniel Deng. *The Way Forward: Comprehensive Strategic Dimensions for Healing, Peace and Reconciliation for all South Sudanese*. Working Paper, Committee for National Healing, Peace and Reconciliation, Juba, July 2013, p. 11.

¹⁹⁶⁴ *Radio Miraya*, “Reconciliation to address grievances: Archbishop Deng Bul”, 19 June 2013, <http://www.radiomiraya.org/our-programs/interviews/11451-reconciliation-to-address-grievances-archbishop-deng-bul.html#gsc.tab=0> (accessed: 23 March 2014).

¹⁹⁶⁵ Interview with a member of the Committee of National Healing, Peace and Reconciliation, Juba, 18 October 2013. The same ritual slaughter of a white bull marked the commencement of Dinka-Nuer peace negotiations in Wunlit in 1999. Hutchinson, Sharon E., “Peace and Puzzlement: Grass-roots Peace Initiatives between the Nuer and Dinka of South Sudan”, in Schlee, Günther and Watson, Elizabeth E. (eds.) *Changing identifications and alliances in North-East Africa. 2. Sudan, Uganda and the Ethiopia-Sudan borderlands*. New York: Berghahn Books, 2009, pp. 49-71, p. 49.

¹⁹⁶⁶ Khadka, Sangita, “National Platform for Peace and Reconciliation launched”, *UNDP in South Sudan*, 8 April 2014, http://www.ss.undp.org/content/south_sudan/en/home/presscenter/articles/2014/04/08/national-platform-for-peace-and-reconciliation-launched/ (accessed: 30 April 2014).

¹⁹⁶⁷ Anei, Joseph Ayok, “Why justice must be served to save South Sudan”, *Sudan Tribune*, 14 April 2014, <http://sudantribune.com/spip.php?article50646> (accessed: 15 April 2014).

February 2014, singled out the examples of Mandela's South Africa and Kagame's Rwanda as models of reconciliation in which forgiveness trumps retaliation¹⁹⁶⁸.

Considering the weakness of South Sudanese justice and law enforcement institutions, David Deng of the South Sudan Law Society and Elizabeth Deng call instead for hybrid courts composed of national and international staff on the model of East Timor, Kosovo, Sierra Leone and Cambodia. These hybrid courts would seek redress for the crimes against humanity committed in various stages of conflict and set a critical sign that the current state of impunity is not going to last¹⁹⁶⁹. The majority of human rights organizations, however, preferred the African Union's leadership in the process of establishing which crimes had been committed during the fighting since December 2013¹⁹⁷⁰. Importantly, Olusegun Obasanjo, former president of Nigeria and head of the African Union South Sudan Commission of Inquiry that took up its work in March 2014, insisted that accountability for crimes committed during the fighting in South Sudan was high on their agenda and that they "will leave no stone unturned to ensure that, as much as possible, we are able to ascertain who is responsible"¹⁹⁷¹. These debates highlight the two key aspects of justice and reconciliation in South Sudan: there is strong demand for such a process on all levels of society but the country in its present state still relies on – and has to rely on – external assistance and stewardship of the proceedings.

7.3.6. 'New nationalism' in South Sudan – at a glance

The politics of belonging has taken hold in South Sudan where the government's land policy has forced the issue by linking land rights to communities. Communities therefore have to prove their original residence in a specific location while overlapping claims from adjacent communities frequently lead to fights over boundaries. Mass displacement has made it even more difficult to ascertain ethnic boundaries and in fact ethnic belonging by both individuals and entire groups that have lived through long stints of life in the Diaspora. In a country where vast numbers of people were themselves strangers in a strange land, xenophobia is running high as foreign merchants and traders are targeted for their wealth while others are blamed for their country of origin's policy towards South Sudan. In addition, returnees are the object of exclusion and othering as women returning from East Africa or the West are deemed too free-spirited while those returning from the North are defamed as Arabs and many youth are seen as exponents of a counterculture. Fending off newcomers and/or returnees with different customs and social behaviour enables male-dominated authorities like chiefs to maintain their authority. Altogether, South Sudan already exhibits those facets of the new exclusionary nationalism that it took other post-colonial African nations decades to develop and foster.

¹⁹⁶⁸ Kiir, Salva. *One people, one nation*. Speech to SPLM youth, Juba, 15 February 2014, transcript available at: <https://radiotamazuj.org/en/article/transcript-kiir%E2%80%99s-%E2%80%98one-people-one-nation%E2%80%99-speech> (accessed: 28 April 2014).

¹⁹⁶⁹ Deng, David K. and Deng, Elizabeth, "Toward an Integrated Response to Justice and Reconciliation in South Sudan", *New Sudan Vision*, 14 January 2014, <http://newsudanvision.com/sudan-news-stories-publisher/2779-toward-an-integrated-response-to-justice-and-reconciliation-in-south-sudan> (accessed: 17 February 2014).

¹⁹⁷⁰ Human Rights Watch, "Letter to African Union Commission Chairperson from South Sudanese and International Non-Governmental Organizations", 7 March 2014, <http://www.hrw.org/news/2014/03/07/letter-african-union-commission-chairperson-south-sudanese-and-international-non-gov> (accessed: 18 March 2014).

¹⁹⁷¹ African Union. *South Sudan Commission of Inquiry sworn-in*. Addis Ababa, 12 March 2014, Press Release No. 47.

Christianity has become the dominant religion in the country since the last war and in its often syncretistic interpretation plays a vital role in most people's lives. While the state is pointedly secular in response to the experiences of the Muslim Brotherhood-led government in Khartoum, the clergy – though split in different denominations – is the strongest civil society organization and on occasion challenges the government. After being of critical importance during the negotiation of intra-Southern peace around the year 2000, however, the church has lost some clout since the CPA period. Generally, belonging to some collective group other than the South Sudanese nation seems to take precedent for many if not most citizens in an environment of insecurity and little state presence. This retreat from the nation is amplified by the failure (to date) of efforts at justice and reconciliation which is grounded in the personalities chosen to run the process (Riek Machar), the understaffed and underfunded structures, the overreliance on the churches and especially on the fact that the government appears intent on achieving reconciliation without justice.

7.4. The South Sudanese nation vis-à-vis the African postcolonial nation

Nationbuilding and national identity in South Sudan, even more than statebuilding and the state, exhibit parallels to the processes of nationbuilding witnessed in the typified African country of the postcolonial period. While there are certain peculiarities due to the specific form of independence struggle not from a European colonial power but from Sudan's northern half, the truly intriguing deviation lies in the sequence of developments related to national and sub-national loyalties and identities in Southern and now South Sudan.

South Sudanese state nationalism has so far been unsuccessful in finding traction in the population much like in the typified postcolonial African state after independence, which equally pursued an inclusive idea of the nation. In the eyes of most citizens of South Sudan, the territorial state has not (yet) proven itself worthy of adherence while othering and the designation of enemies from within and without are more successful than the positive vision of 'unity in diversity', a slogan common to a number of highly multiethnic and divided African countries (e.g. South Africa, Tanzania, Nigeria). Blaming the former colonizers in the immediate post-independence period – in South Sudan's case the Northern Sudanese or 'the Arabs' instead of a European country – is also consistent with the typology.

South Sudan as a post-liberation country shows the typical strong focus on commemorating the 'liberation martyrs' in speeches, statues and the national flag¹⁹⁷² but nonetheless differs from the typified post-liberation state. While unlike in Zimbabwe there is no hierarchical strand in South Sudan's memorial culture and the true dividing line is between those that 'held a gun' and those that did not, the personal cult surrounding John Garang and the focus on the SPLM/A to the neglect of all other militias makes it less egalitarian than a country like Eritrea. The predilection for adopted predecessors whose historical and geographical traces fade into myth – the empire of Kush/Cush and Azania – also reflects similar postcolonial processes of christening the nation in Goldcoast (Ghana), Dahomey (Benin), French Soudan (Mali) and Southern Rhodesia (Zimbabwe).

¹⁹⁷² In Angola's national flag, just like in South Sudan's, the colour red stands for the blood shed during the period of colonial oppression and the war of liberation. Häberle, Peter. *Nationalflaggen: Bürgerdemokratische Identitätselemente und internationale Erkennungssymbole*. Berlin: Duncker & Humblot, 2008, p. 73.

Ethnicity and ethnic loyalties define politics and society in South Sudan and like the public diatribes against ethnic loyalties resemble the typified African state even if oftentimes sub-ethnic loyalties (e.g. to section, clan or extended family) or supra-ethnic loyalties (e.g. to greater Equatoria) matter more than ethnic groups as such. In recent years, ethnic groups have become less open to outsiders and defining boundaries, physical and conceptual, against other groups that do *not* belong has become more prevalent just as in other African states. Outbursts of xenophobia against foreign traders as well as the rising importance of autochthony and first-come status and an exclusionary conception of local and national belonging, driven in part by the state's land policy, are also alike.

Quite atypical, however, are the central role of the church in civil society and of conversion during the 'liberation war' as well as the vast number of Southern Sudanese that were displaced either internally, to neighbouring countries or outside the continent, which constitutes an anomaly in terms of national cohesion. For instance, the linguistic situation in South Sudan is quite unique and differs considerably from the typical African state in that choosing the colonial language English as official language exacerbates internal rifts as it benefits those displaced to English-speaking countries to the detriment of those South Sudanese that are fluent in Arabic or Juba Arabic. Returnees from abroad are also occasionally lambasted for their alleged immorality or are accused of having fled while others fought gun in hand. Comparing South Sudan's justice and reconciliation process to the typified African post-conflict case is not yet possible since the process (or rather: parallel processes) have not yet gotten underway although the central role of the church and of 'spiritual leaders' does stick out.

Alas, the most significant divergence from the point of view of the typology consists not of the substance of South Sudanese nationalism and nationbuilding but in the sequence in which the different facets of nationbuilding occur. In the typical African postcolonial state, nationalism was initially inclusive but dismissive of ethnic loyalties, followed subsequently by a failure of state nationalism and a resurgence of political ethnicity and finally the emergence of exclusionary 'new nationalism' and discourses of autochthony on the local and national level. South Sudan in its current state of development does not stick to the chronological blueprint of nationalism and nationbuilding of its African peers and antecedents. Instead, South Sudan is home to all three trends of post-colonial African nationalism and national identity construction (inclusive state nationalism, ethnic resurgence, discourses of autochthony) *at the same time* and exhibits elements of each in its official policies, public discourses and observable actions on the ground parallel to each other¹⁹⁷³.

¹⁹⁷³ Frahm, Ole. *South Sudan – an outlier in post-colonial African nation-building?* Paper presented at the conference 'Empires and Nations from the 18th to the 20th century, Rome, June 2013.

8. Discussion and Conclusion

Having moved from the nation-state as it arose in Europe to a typology of the postcolonial African nation-state and then to an in-depth depiction of South Sudan through the lens of this typology, it is incumbent upon us to take a step back and return to the research interest and the research questions that were posited at the very beginning of the thesis to both assess whether the approach taken was sensible and to attempt an answer or answers. Thus, 8.1 will revisit the research questions and the methodology employed to answer them based on how useful and warranted they have shown themselves to be during this investigation. Then, in 8.2 I shall summarize the picture of the South Sudanese state and nation as it has been painted with the colour palette provided by the categories of the typified sub-Saharan African state and nation. 8.3 will thereafter discuss the reasons why South Sudan and the typology align and differ in certain respects and draw some more general inferences for our understanding of nationbuilding and statebuilding, nationalism and statehood. Finally, 8.4 will reflect on what this all means for the direction of future research regarding statebuilding, nationbuilding and their interconnectedness as well as some passing thought on South Sudan now and in the coming years.

8.1. Research Question and Methodology Revisited

The objective of this work has been twofold: to establish a distinct type of African nation-state that differs from the European and Western model of the nation-state and can help further our understanding of African political systems and realities and possibly also guide policy by statebuilders and nationbuilders on the continent and elsewhere. The second objective has been to situate South Sudan, the prodigal son of African statehood, in relation to the experiences of its African peers in forming states and nations. In other words to analyze South Sudan's record as an aspiring nation-state vis-à-vis the typology of the African nation-state as opposed to comparing South Sudan to an ideal-typical European nation-state. In the course of this study I have operated with a number of axiomatic assumptions about the centrality of the nation-state, the utility of studying state and nation separate from one another, the objective existence of a distinct African type of nation-state and the ability of the anomalous case of South Sudan to enhance and modify our theoretical grasp of states and nations in contemporary Africa.

One issue that cropped up is the use of the nation-state as central unit of inquiry. There has been a longstanding trend in the analysis of political systems away from the state towards either greater or smaller units of collective action and collective belonging. Regional integration and especially the globalization of economic and trade links, followed by cultural globalization massively aided by rapid advances in communication technologies have seemingly rendered the model of a territorially bounded nation-state with a cohesive population whose main frame of reference is the territorial state outdated, passé, 'so 20th century'. But the study of sub-Saharan African countries has clearly shown that it is necessary to bring the nation-state back in because the nation-state remains the model for politicians, intellectuals, businessmen and ordinary people alike. Even where the state is hardly present or is contested by alternative actors, these alternative actors still seek out and operate within the framework of territorial states while people do in fact self-define as nationals of a given state although they may in addition also have other entities like ethnic groups they identify with.

Furthermore, the decision to analytically separate the analysis of state formation and statehood from the evolution of nationbuilding and national identity could be seen as controversial since in the same breath I postulate the relevance of the nation-state to political affairs on the African continent where hordes of anthropologists are busy finding the persistence or emergence of forms of authority and organization *beside* the nation-state. However, the typology of the African nation-state and in particular the contrasting example of South Sudan have shown that statebuilding and nationbuilding, though part of the same process of establishing a unified commonwealth, can be studied in isolation since they are in fact not as dependent upon each other as sometimes suggested. This is a point that I will get back to in some more detail in the theoretical take-away section in Chapter 8.4.

The third premise in need of argument and proof is the choice of constructing a typology of the *African* nation-state. There is no *a priori* reason to presume the existence of a distinctly African type of nation-state. And even if the European nation-state is acknowledged as an unsatisfactory comparison and measuring stick for politico-social formations on the black continent due to the fact that Europe's evolution took centuries and emanated from inter-state wars and competition rather than being externally imposed by alien colonial usurpers, it might be surmised that comparisons with post-colonial countries in other parts of the world would amount to an equally fitting typology of *post-colonial* as opposed to *sub-Saharan African* nation-states. The answer to this kind of critique is two-pronged. For one, the specific historical conditions of state formation and nationbuilding in Africa – experience of European colonization, externally imposed territorial grid, independence at roughly the same point in time (1960s-1970s), systemic continuities with colonial political systems and the lack of historical nations in the newly formed states – amply justify a separate study of sub-Saharan African nation-states. This is not to say, and this is the reply to the second point, that a comparison or shared typology of postcolonial states from Asia, Africa, Europe and so on could not be fruitful as well. Such an approach is simply not the focus of *this* specific investigation, among other things because of the concentration on the contrast to a single African case study: South Sudan.

Finally, the choice of the case study that the typology is designed to test (while the singular case of South Sudan is meant to reciprocally test the typology) could also be construed as problematic. Some of the factors I just enlisted in support of the distinctness of African nation-states do not *prima facie* apply to the world's newest state. South Sudan may have experienced European colonialism under British rule but the secessionist movement for self-rule was directed against the postcolonial Sudanese government in Khartoum. Moreover, South Sudan's independence came almost exactly half a century after the first wave of postcolonial state formation and thus in a markedly different geopolitical, ideological and technological climate than most of its peers. Nonetheless or rather exactly because of these somewhat different external circumstances and conditions, comparing and contrasting South Sudan to the typology of the postcolonial African nation-state has been particularly gainful. Looking at a latecomer to independence through the lens of the typified experiences of those that came before may tell us something about the continued validity and worth of the typology for the present and future as well as highlight areas where changes may be needed. Conversely, assessing the very recent and short-term developments in South Sudan through categories that draw on the hindsight of several additional decades of post-independence statebuilding and nationbuilding help to understand the trajectory of South Sudan as an aspiring nation-state much clearer than when the country is studied in isolation.

The typology is by necessity based on secondary literature produced by the global academic community over the slightly more than half a century since the onset of African decolonization (with a few earlier writers also included) and is therefore also not only a typology of the formation and evolution of African states and nations but also a reflection of *scholarship on* African states and nations. Because South Sudan has attained independence and statehood (nationhood remains an open question) much later than other African countries, it shines a light on those facets of African statebuilding and nationbuilding that are still of relevance today compared to the 1960s. First of all, however, it is necessary to rehash the current shape of South Sudan's nation-state as seen through the eyes of the typology.

8.2. The Nation-State in South Sudan and Africa – main findings at a glance

The two preceding chapters 6 and 7 have depicted South Sudanese statebuilding and the state and South Sudanese nationbuilding and the nation along the lines and from the perspective of the typology of the African postcolonial nation-state developed in Chapter 4. In order to properly assess South Sudan's current state of building a nation-state and at the same time to determine the utility of the typology of the African nation-state here developed, it is instrumental to recapitulate the way South Sudan's aspiring nation-state appears through the lens of the typified categories of statehood and nationhood in postcolonial sub-Saharan Africa. The result of this analysis is the following characterization of South Sudan's contemporary status as an African nation-state.

Hybrid quasi state

South Sudan is clearly a hybrid quasi-state as evidenced by a number of facets the state has exhibited since the creation of the Government of South Sudan in 2005 and continuing after independence in 2011. While official recognition for the state of South Sudan was prompt and nearly universal, the South Sudanese government is not physically in control of large parts of its nominal territory and in many places has to compete with alternative actors of violence: domestic militias like David Yau Yau's in Jonglei that are in part proxy forces for the Sudanese government, Ugandan troops, the United Nations Mission, cattle raiders. The state's borders are neither delineated nor demarcated and the state does not control who is transiting the borders but is itself not constrained in crossing the border to do business (DRC, Uganda) or to support proxy forces in Sudan like Darfur's JEM or the SPLM-North. Civilian disarmament has so far failed as citizens respond to continuous insecurity and the state's indifference and its inability to protect them by arming themselves and forming (often ethnically delineated) self-defence groups.

There are several key reasons for South Sudan's hybrid quasi-stateness which is very much in line with the typified African state. The SPLA was a very successful guerrilla force but has so far not succeeded in transforming itself into a regular army and a functioning police force. The Comprehensive Peace Agreement's failure to include a wider selection of actors and militias, the continued sponsorship of anti-government militias by the consistently hostile regime in Khartoum and Juba's willingness to reintegrate and thus effectively reward rebellious units and their commanders for their insubordination have kept the incentives high for groups and militias to take up arms against the state. The hybridity of physical control over territory and the absence of a monopoly of violence are further shaped by the lack of roads and other infrastructure, the stillborn nature of civilian disarmament efforts and the massing of security personnel in certain locations (Juba, border areas) and their concomitant absence in many especially rural localities. Altogether, the

South Sudanese state's international and domestic sovereignty are very much in doubt and the current civil war has raised doubts even among former staunch supporters if awarding international recognition to the South Sudanese state was such a good idea after all.

Illegitimate state

Not only is the South Sudanese state not physically present in much of its territory, it also does not properly represent its citizens. South Sudan is therefore a non-performing state whose legitimacy is fragile and presently on the wane. The South Sudanese state is either not present at all and delegates tasks to NGOs or traditional authorities or, where it is present, does not fulfil its nominal tasks in, say, health care or education. The army, the country's most established and well-endowed institution, is unable to police the state, and the other branches of the state that receive a much smaller share of the budget also do not fulfil their functions. The judiciary is understaffed, ill-trained and in many places outside the cities non-existent, its place taken by customary courts. Service delivery, in particular health and education but also food and agricultural supplies are still largely provided – if at all – by NGOs and funded by foreign donors while the state sector is plagued by lack of capacity and low and irregularly paid salaries unattractive to skilled members of the diaspora. While the state and the SPLM government, both often interchangeable in popular perception, enjoyed broad legitimacy after having attained independence for the South and parliamentary and presidential elections were held in 2010, the political arena is far from democratic. Opposition parties are harassed, civil society beyond the churches is weak, the press pursues self-censorship and the overpowering SPLM is torn in a vicious contest between personalities and ethno-regional groupings that has led to a bloody civil war since December 2013.

While a de facto one-party state or *movement state* in which party and state, SPLM and GoSS blend into one and where opposition is organized and finds expression primarily inside rather than outside the party is characteristic for African countries that had to fight a war of liberation, the state's legitimacy is an area where South Sudan has seen the most flux in the last years and in fact months. Had this conclusion been written in early December 2013, the assessment would have been that while accountability, transparency and respect for human rights are severely underdeveloped, while there are grave democratic deficits and dissatisfaction with the government's performance is growing, the state as such is legitimate in the eyes of the large majority of South Sudanese for having attained independence from the North. The situation after many areas in the South have fallen prey to the egregiously brutal civil war of 2014 is by necessity unclear – for instance, no opinion surveys have been conducted since the alleged coup in December 2013 – but disillusion with the state is likely to have risen considerably. Such an outcome would constitute an unusually swift fall from grace for a post-liberation state and regime in comparison to South Sudan's and the SPLM's African peers. At the same time, it is instructive to learn how much the language of democracy has become ingrained in South Sudan's political discourse; not only among the politically interested class of mostly urban citizens but also as rhetorical justification by Riek Machar and others for waging an armed rebellion against the allegedly undemocratic and therefore illegitimate government of Salva Kiir. The state's unpopularity is further fuelled by the cavalier attitude with which officials reroute state resources into their own pockets while most of the population sees very little development.

Privatized neopatrimonial state

South Sudan in its current state is a privatized state in which corruption and privatization of state resources for personal benefit are very common as even the president himself admitted. The state is privatized but privatization is only in part done with the purpose of sustaining a neopatrimonial web of dependent and dependable clients to maintain control of the state. Rather, much of the goods and resources that are siphoned off thanks to the gatekeeper position of those in charge of the state machinery flow into private luxury consumption for the extended families of those in power (high-ranking members of GoSS and SPLA) whereas the connection to local followers is more individually organized and less a structural component of the SPLM's governance system. Most of the privatized funds are part of the state's oil revenue but land is increasingly becoming another attractive asset, as are teak wood and gold and in fact the still small sector of non-oil tax revenue.

While the privatization of state resources is consistent with the typified African state, patronage and neopatrimonialism do not function in the same manner in South Sudan as they do in other African countries. South Sudan does neither have the wide inclusive net of patronage characteristic of African states with large territories and frail infrastructure like the DRC nor does it feature a network targeted directly at one specific regional or ethnic client group like for example the Kikuyu in Kenya. What *can be* found are a large number of parallel structures of interdependence between an individual at the top in Juba or – less often – in a state capital and his or – less often – her home area which can range in size from a neighbourhood to several counties or even an entire ethnic group. As the case of South Sudan thus differs in some important respects from the typology, I will get back to the issue in the theoretical reflections in 8.3.3.

Swollen centralized state

Centralization and a swollen state apparatus in the capital Juba characterize the state of South Sudan. This concentration of institutions and formal power is unsuccessful, however, in actually centralizing authority in the national government because its arm does not reach outlying parts of the territory. This apparent paradox originates from the fact that the state structure is nominally decentralized but very little actual power and decision-making are actually devolved to states, counties, payams and bomas. Lower level office-holders are in reality accountable to their higher-ups in Juba and not to the people they supposedly represent or govern; a state of affairs that has intensified after independence when president Kiir increasingly relied on a small coterie of loyal followers and among other things sacked two elected governors that were deemed disloyal. The administrative centralization is complemented by a concentration of economic activity in Juba which is the site of most economic development, attracts large numbers of internal migrants and has as a result outgrown multiple times the small settlement it had still been in 2005.

Critically, chiefs are the most interesting actor in the state's power structure: having lost influence throughout the long war, traditional authorities have in recent years regained some of their standing, in part in collusion with SPLM elites in Juba that need chiefs' backing as their political support base in the countryside. From the bottom up perspective, locals turn to their traditional authorities because the state is not present in the countryside and not overly trusted, which is typical of South Sudan and of most African states. South Sudan also resembles quite uncannily Nigeria's evolution in terms of continuous administrative subdivision into ever smaller entities from a single region to three regions to ten states. The multiplication of counties and other units of local government that frequently lead

to localized conflict is equally a typical feature of contemporary African states. Likewise, true devolution of powers and genuine federalism have become rallying cries for regional and national opposition to the central government in Juba, extending beyond the heartland of such appeals in Greater Equatoria to other parts of the country. Regionalism and other related forms of centrifugal tendencies not only put into question the state's internal coherence, they equally raise the issue of national coherence.

State-driven inclusive nationbuilding

South Sudan's nationbuilding efforts are faced with numerous obstacles, some inevitable and some man-made. Born from resistance and exclusion, South Sudanese identity is a response to negative othering and the only historical basis for unity and a collective identity are successive wars of resistance. State nationalism also concentrates on glorifying the long war of liberation and especially the SPLM/A's role in the fight that eventually led to independence. However, this commemoration is highly problematic because much of the fighting was internecine, members of rebel groups other than the SPLA are not acknowledged and the mostly civilian victims are not properly recognized. The appeals to multiculturalism as the positive content of the country's national identity have not gained much traction whereas its negative counterpart – campaigns against tribalism – dominates official discourse. The traditional 'othering' from the war-times persists as the popular dichotomy Africans vs. Arabs is employed as a means of self-identification that is built on negating and dissociating from Arabness. Electing to go with English over Arabic as the sole official language also contributes to the perpetuation of anti-Northern reflexes which particularly affect returnees from the North.

The linguistic situation in South Sudan is quite unique and differs considerably from the typical African state. While choosing the former colonial power's language (English) as the new state's official language is the standard route in postcolonial Africa, in the specific circumstances of South Sudan this decision exacerbates and creates internal rifts and conflicts rather than stymies them. Due to the fact that many South Sudanese lived in the North and were educated in Arabic while many that stayed in the country during the war only speak local languages or Southern Juba Arabic, this decision divides rather than unites the people and is bound to pit one group against the other as mostly those that were refugees in East Africa and other English-speaking countries benefit. Moreover, in the context of African post-liberation countries, South Sudan appears to take up an atypical middle position in how it commemorates the liberation war fighters. Zimbabwe on one end of the spectrum strongly differentiates between different degrees of 'liberation heroes', Eritrea on the other edge of the scale maintains an egalitarian ideal in its official memory of the war of secession from Ethiopia. While there is no hierarchical strand in South Sudan's memorial culture and the true dividing line is between those that 'held a gun' and those that did not, the personal cult surrounding John Garang and the focus on the SPLM/A to the neglect of all other militias puts it somewhere in between the two poles. What is readily apparent, though, is that state-driven nationbuilding has not rooted out ethnic loyalties in the country.

Politicized Ethnicity

Both ethnic group identities and politicized ethnicity play a large role in South Sudan. There is a widespread belief that the Dinka dominate the army and the government and that jobs and positions in the administration are tied to membership in the 'correct' ethnic group. Political parties and most importantly the SPLM itself align along ethno-regional fault lines while concepts of ethnic identity

have hardened and genocidal rhetoric and gratuitous violence against members of other ethnicities in the course of raiding are more common – proven by the atrocities committed since December 2013. Ethnicity is widely decried among political and intellectual elites as the main impediment to national unity and an efficient functioning state. Diatribes against ethnic loyalties, which continue to shape most people's sense of themselves more than the national identity, are thence as much part of contemporary South Sudan as of the typified African state; something that also applies to the salience of ethnicity in formal politics.

However, in some subtle yet important points the South Sudanese case diverges from the typified narrative of politicized ethnicity in Africa. More often than not, it is not the supra ethnic identity that matters most to the individual and his or her political mobilization but a group that is either smaller or bigger. The Dinka and Nuer, the country's two largest ethnic groups, not only do not know a centralized authority but are split amongst themselves in a substantial number of clans (for instance Jikany and Lou for the Nuer and Ngok and Bor for the Dinka) which is where the real loyalties lie – if not in even smaller sub-units that comprise for instance the extended family or the cattle camp. On the other hand, in Equatoria ethnic identities are crucial for the individual and the family but when it comes to political organization and representation, the regional identity as Equatorians is more important, not least because otherwise each Equatorian group on its own would be too insignificant in size to have much clout. Moreover if survey results can be trusted, ethnic identification does not stand in the way of attachment to the nation of South Sudan. The relevance of ethnic loyalties thus appears very much tied to situational circumstances which applies with added force to the politics of autochthony and other exclusionary practices in the country.

Exclusionary 'new nationalism'

Exclusionary new nationalism is very much present in South Sudan. By tying land ownership – and citizenship more generally – to membership in communities who 'originally' owned the land, the GoSS has unwittingly strengthened this exclusionary stance. While returnees have been generally well-received, those coming back from East Africa are sometimes accused of loose morals while those from Khartoum are cursed as *jalaba*. Xenophobia against merchants from neighbouring countries (Uganda, Kenya, Eritrea) is also very common. In contemporary South Sudan Christianity is the majority religion, often coexisting with traditional beliefs, and Christian imagery is very popular: for example the idea of historical continuity with Biblical Kush. But although the churches played a vital role in providing services and helping with intra-Southern peace efforts during the war, the South Sudanese state is, for now, deliberately secular due to the experience of forced Islamic proselytization. The contemporary role of churches is thus as an important but not integral part of national identity. Critically, there has not been any violence or overt discrimination against the Muslim minority in South Sudan.

South Sudan's politics of autochthony mirror those of the typified African state yet the conditions that give rise to them at the same time raise some question marks. Whereas in countries like Cameroon the designation of land ownership to original inhabitants was done deliberately, the view from South Sudan is more blurred as it appears that the decision-makers are torn between promises from the war period, international consultants, economic growth plans, local chiefs and foreign investors. As a result, opting for communal land ownership with all its concomitant consequences does not look like an overly conscious choice just like the push for new counties by local stakeholders forces the hand of higher-ups in the South Sudanese state. Hence, it would be useful to look into the

degree of intentionality behind state policies that drive or trigger exclusionary rhetoric and practice on the local and sometimes also on the national level. The numerous national reconciliation efforts have so far not led to any substantive results in part because of lack of funding and political support, in part because accountability for past crimes was not to be included since many who allegedly committed human rights abuses during the 1990s are still in positions of power. Alas, some form of justice and reconciliation seems inevitable if state and nation are to achieve a level of unity for otherwise grievances are certain to boil over at some point and breed new victims as well as new perpetrators.

8.3. From South Sudan to Africa – Theoretical reflections on state and nation

One important conclusion to be drawn from the juxtaposition of South Sudan's statebuilding and nationbuilding with the typified African nation-state is that South Sudan's evolution to date in more ways than not abides by and thus affirms the validity of my typology of the African nation-state. Nonetheless, certain aspects of the South Sudanese state and nation diverge from the typified African nation-state, in particular facets of the illegitimate state, the privatized neopatrimonial state, of state nationalism and political ethnicity. Rather than going through each diversion one by one, this section aims to highlight and develop some ideas about the African state and nation and thus about the typology of the African nation-state that arise from the comparison of South Sudan to its continental peers.

Seeing how and to what extent South Sudan's state and nation fit into and – in some fields – go counter to the typology of the African nation-state raises a number of questions not only for South Sudan but also for the typology itself. Since the typology is based on an aggregation of the experiences of all countries from the African continent (excluding the countries of North Africa that belong more to the Mediterranean-Arab world), it is legitimate to ask why and how a case study for a single country could warrant a rethink for the typology as a whole. First of all, to clarify any misunderstandings it is certainly *not* the case that each and every aspect in which South Sudan diverts from the standard path of the typified African nation-state warrants a redrawing of the entire typology. Yet, it is my firm belief that the case of South Sudan is illustrative of a number of things about the African nation-state typology that *are worth taking a second look at*.

As it turns out, the case of South Sudan raises more substantial and further-reaching issues for the conceptualization of nation, nationalism and nationbuilding on the continent than is the case for state and statebuilding in Africa. Therefore, the first section in 8.3.1 will look into the historical conditions and matters of sequentiality in regard to phases of nationalism and nationbuilding in Africa and 8.3.2 will expand on the issue by analyzing the relevance of mass displacement on the creation of national unity. 8.3.3 will then summarily discuss interlinkages between different facets and categories of statehood before 8.3.4 returns to the connection between wars and nation-statemaking in Africa.

8.3.1. Sequence of nationbuilding and historical timing

Possibly the most interesting divergence from the point of view of the typology consists not of the substance of South Sudanese nationalism and nationbuilding but in the sequence in which the different facets of nationbuilding occur. In the typical African postcolonial state, nationalism was initially inclusive but dismissive of ethnic loyalties, followed by a failure of state nationalism and a

resurgence of political ethnicity and finally the emergence of exclusionary 'new nationalism' and discourses of autochthony on the local and the national level. As a latecomer to independence and decolonization and in the wake of prolonged conflict, South Sudan has chosen – aided or nudged by the international community embodied by the U.S., Norway, UK and other Western countries – to pursue a parallel strategy of building a state and building a nation.

In the short period since the Comprehensive Peace Agreement came into force in 2005, the Government of South Sudan and the South Sudanese as a people have gone through all the successive periods of nationbuilding and nationalism in a typical African state – only compressed and occurring parallel to each other. What emerges therefore is that South Sudan in its current state of development does not stick to the chronological blueprint of nationalism and nationbuilding of its African peers and antecedents. Instead, South Sudan is home to all three trends of post-colonial African nationalism and national identity construction (inclusive state nationalism, ethnic resurgence, discourses of autochthony) *at the same time* and exhibits elements of each in its official policies, public discourses and observable actions on the ground parallel to the others.

Regarding the evolution of nationalism on the continent, the case of South Sudan points to the likelihood that the successive periods experienced by the typified African states since the 1960s do not have any predictive value for a latecomer like South Sudan where all of these successive trends can be observed simultaneously. Apart from the different geopolitical environment, the most important factor for the radically changed opportunity structure for would-be nationbuilders in the present are technological advances, especially in communications (mobile phones, for example) and the fast pace of urbanization on the continent. Thus, rather than conceiving of nationalisms in Africa as a chronological and thematic ladder (or slide, depending on the perspective), a renewed focus on the parallel persistence of inclusive with exclusive state nationalism and inclusive with exclusive concepts of ethnic and local identity might unravel a more diverse and, more importantly, more accurate picture of African postcolonial nationalism and processes of national identity creation.

Contingency of historical circumstances is a key factor that limits the predictive value of the typology of the African nation-state in particular in the field of building a national community. The contingency of specific developmental trends of African nation-states to the era in which they occurred is thus an important theme that emerges when South Sudan and the typified postcolonial African nation-state are juxtaposed. Oftentimes these circumstances have changed so dramatically and indeed irrevocably that one would expect a different trajectory and result of state-formation and nationbuilding. The three most obvious variables that have undergone drastic change are the geopolitical climate (from Cold War to unipolar world order to China and India's entry to the continent), globalization of the world economy (especially expansion of trade and globalization of production chains) and technology, above all communication technology that has begun to radically alter access to information as well as cultural and political orientation and organization¹⁹⁷⁴.

Some other developments have clearly changed the underlying conditions for a nationbuilding project in the geographical territory of South Sudan. On the one hand, road networks remain either non-existent or in bad shape, which precludes inter-personal communication¹⁹⁷⁵ and thus one of the

¹⁹⁷⁴ Frahm, Ole. *Nation verzweifelt gesucht: Staats- und Nationenbildung im Südsudan*. Speech at the Institute for Anthropology and African Studies, University of Mainz, May 2014.

¹⁹⁷⁵ Soux (2010), p. 12.

key factors in developing a sense of national belonging. Even where road and railway systems exist, they are still oriented towards Khartoum which for many in northern South Sudan is considerably closer and easier to reach than the capital Juba¹⁹⁷⁶. To some extent, mobile phone use is making up for it (a third of respondents claimed to own a mobile phone in 2013¹⁹⁷⁷) while television and internet may sooner or later start to reach areas that have so far relied entirely on radio and word of mouth communications. Some research has already found that the introduction of the mobile phone to South Sudan has had a major impact on communications between scattered extended families and begun to alter rural-urban relations¹⁹⁷⁸. General education is also a key factor in this regard as its low quality and uneven and uncoordinated standards (as shown in Ch. 6.2.1.4) stand in the way of schools functioning as a breeding ground for the dissemination of national consciousness. Hence, technological advances, especially mobile phone use, and rapid urbanization may in the coming years drastically change the conditions for nationbuilding compared to African countries that attained independence in the 1960s.

8.3.2. Mass displacement: a challenge to nationbuilding theory?

The vast number of refugees and displaced Southern Sudanese in itself constitutes an anomaly that is unmatched by any other African postcolonial state, including the much-tormented Democratic Republic of Congo. What stands out about the refugee situation in South Sudan is not only the nearly all-encompassing degree and long duration of displacement but the fact that the lives of those displaced inside Southern Sudan differed drastically from those that fled to Greater Khartoum whose experience was in turn nothing like what South Sudanese lived through in refugee camps in Ethiopia, Kenya or Uganda and certainly unlike the life of those that settled in Canada, Australia, the UK or the U.S.

The extraordinary displacement suffered by the majority of South Sudanese at least once in their lifetimes has created a unique situation, which can nonetheless grant insights into the way statebuilding and especially nationbuilding may evolve in Africa in the future. For one, returnees have generally gotten used to a more urban lifestyle and after a stint in their 'home area' have in large numbers moved on to the cities which have been growing at a fast pace. Urbanization is thus partly an outcome of displacement and creates the environment for a melting pot of ethnic groups into one nation of South Sudan; a possibility unthinkable for the remaining majority that lives in often inaccessible and remote villages. The tragic conclusion from the house-to-house searches for Nuer in Juba in December 2013 is that urbanization, displacement and return do not in themselves create unity but can in fact facilitate mobilization along ethnic lines and, in the end, ethnic cleansing.

Moreover, on a more general level, the feasibility and also desirability of creating a strong national identity and vibrant (state) nationalism is to be called into doubt considering the pernicious side-effects it can engender: xenophobia and exclusion of all sorts of groups that are deemed to be in one way or another deviant or queer. Furthermore, hailing from a country that has experienced first-hand the horrors man does to his fellow creature in the name of the nation, I would surmise that Herbst's calculation that for African states nationalism is a cheap alternative to delivering actual

¹⁹⁷⁶ LeRiche and Arnold (2012), p. 228.

¹⁹⁷⁷ International Republican Institute (2013), p. 73.

¹⁹⁷⁸ de Bruijn, Mirjam and Brinkman, Inge with Bilal, Hisham and Wani, Peter Taban. *The Nile Connection: Effects and Meaning of the Mobile Phone in a (Post)War Economy in Karima, Khartoum and Juba, Sudan*. Leiden: ASC Working Paper No. 99, February 2012.

benefits and services is in some cases fallacious as the price of relying on nationalism for cohesion may turn out to be very steep, indeed. Likewise, it is highly unlikely that delivery of services from education to health care to law courts and provision of livelihoods is going to drive attachment to the nation in the short- or mid-term. In that sense, statebuilding and nationbuilding may not be as closely connected to one another as they are sometimes made out to be – a question I will get back to in the coming section 8.4.2.

8.3.3. The mutual linkages between different facets of statehood

The distinction between the four categories of African statehood in the typology has generally proven itself as a useful tool to understanding both general trends on the continent as well as the specific and in historical terms exceptional case of South Sudan. The analysis of South Sudan's statehood has, however, brought up some interlinkages between these categories.

The recent political crisis in South Sudan but effectively many of the political manoeuvres by the SPLM/A since 2005 illustrate how for some African countries the questions of democracy and democratization not only impact the state's lack of legitimacy but also its quasi-stateness. Changing concepts of national sovereignty in the light of the United Nations' "Responsibility to Protect" doctrine of 2005 – which is largely derived from the lessons learned by the international community from the failure to halt genocidal violence in Bosnia and Rwanda in the 1990s¹⁹⁷⁹ – and the direct involvement of some Western powers in African statebuilding efforts, especially in post-conflict countries, mean that a failure to uphold democratic standards, civil liberties and human rights *may* incur high penal costs all the way to foreign intervention.

The crucial caveat is that this applies only provided a) the state is economically and militarily weak, e.g. a large regional power like Nigeria is not under threat as opposed to puny Guinea-Bissau; b) the country is of strategic importance, e.g. Djibouti due to its location opposite Yemen at the entrance to the Red Sea or Mali due to the threat of Islamic terrorism but probably not landlocked and resource-poor Burundi; and/or c) Western states, above all the U.S., France or the UK take for various reasons, for example colonial past, a particular interest in a given country such as Mali, Sierra Leone, Liberia or Côte d'Ivoire. In justifying its armed rebellion with president Kiir's *undemocratic* actions, the SPLM-in-Opposition thus appealed as much to an international audience as to the people of South Sudan¹⁹⁸⁰. And Salva Kiir's recent attempts to reach out to Russia right at a time when criticism from Western countries and the threat of sanctions is mounting shows that the political class in Juba is well aware of the double-edged sword that democratization can be for a small and weak state in an interdependent world.

The other aspect that sticks out in the analysis of the South Sudanese state is neopatrimonialism. Neopatrimonialism is generally a good and useful concept to grasp the working of the political

¹⁹⁷⁹ Stahn, Carsten, "Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?", *The American Journal of International Law*, Vol. 101, No. 1, Jan. 2007, pp. 99-120.

¹⁹⁸⁰ In a bitterly ironic twist of fate, Francis Deng who through his academic writing (especially: Deng, Francis M.; Kimaro, Sadikiel; Lyons, Terrence; Rothchild, Donald and Zartman, I. William. *Sovereignty as Responsibility: Conflict Management in Africa*. Washington, DC: The Brookings Institution, 1996) and long tenure in the United Nations, among other things as the responsible agent for the internally displaced and the prevention of genocide, did much to foment and popularize the idea that state sovereignty ought to be tied to moral standards, is today South Sudan's representative at the United Nations in New York and has to justify his government's actions even though they contribute to mass displacement and ethnic violence.

system and of relations of power and authority both on the level of high politics as well as in more local settings in African postcolonial countries. The South Sudanese example illustrates, however, that in certain resource economies that largely rely on revenue streams from abroad, the idea of the gatekeeper state may be a more useful and accurate description of political realities: in South Sudan as well as in Angola, Nigeria or Equatorial Guinea state capture for personal enrichment and outright theft of state resources (captured in the concept of 'kleptocracy') may be a better explanation than the pyramids of patron-client relationships that characterize many if not most African states.

Additionally, in the sense that state resources are used for direct contacts to chiefs in specific parts of the country, the neopatrimonial state partly overlaps with the characteristics of the swollen centralized state which in the absence of the tools of centralized control over all of the state's territory maintains a hold over local affairs by establishing direct patron-client links to localized traditional authorities. As such, a neopatrimonial state may be causally related to the swollen centralized state because patron client relations are necessary to control outlying parts of territory that otherwise would be outside governmental reach due to the (often deliberate) incapacitation of statutory local government structures.

8.3.4. War and the African nation-state

One way in which the typology might be revised is in its focus on war as a driver of unity and cohesion. Wars do not play the same integral role in statebuilding and nationbuilding on the African continent as they did in Europe and that is unlikely to change given the prevalence of civil wars and other forms of large-scale violence that shun the classic Clausewitzian instances of interstate fighting. Civil wars and other forms of violent conflict internal to the nation-state's territory are quite to the contrary both a sign of the failure to build a cohesive national identity and population and an indication that the state is unable to provide security and establish a monopoly of violence. Such types of war also catapult people into positions of power and influence that have only risen to this rank *because of war* and because of their participation in war, which has proven to be a less than optimal form of selecting a country's leadership. Apart from being a testament to the weakness of the state and the nation, civil conflicts are also their cause and may preclude the rise of a nation-state in the future. War in postcolonial Africa (and possibly beyond) is hence a very fragile basis upon which to build a community and a commonwealth, i.e. a state and a nation.

But war and violent conflict are not only harmful while they are happening. The case of South Sudan suggests that basing national identity and official historical memory on commemoration of a war – even if the war's outcome was a victory – can literally backfire. Clearly, this applies with added force for cases where a country's population was more or less evenly split during the war as commemoration then divides the people into winners and losers, into those that fully belong and those that do not. But even where most parties to a war can claim to have been among the winners – in South Sudan, after all, almost all militias at least declared to be fighting for Southern independence – attempts by the governing party or other state elites to monopolize the role of heroes of war or heroes of liberation drives a wedge through the population. Thus, the sense of not being recognized for their role among former members and adherents of South Sudan's SSDF finds its expression among the people of Matabeleland in Zimbabwe, the Igbo (Biafra) in Nigeria and members of Renamo in Mozambique. These matters are further complicated by the absence or biased nature of justice and reconciliation processes that rarely lead to accountability for the alleged heroes.

8.4. Outlook on further research & South Sudan's development trajectory

In the final section and indeed the final paragraphs, I want to get to a number of issues that this study has brought to light and that, in my estimation, ought to receive further attention in future academic research as well as in the practice of policy-makers. The first in 8.4.1 is a general recognition of the need and at the same time an appeal for more comparative studies of African states and nations and indeed African political systems more broadly. Second and lastly, 8.4.2 is going to look at the relationship between statebuilding and nationbuilding in South Sudan and Africa and what this may tell us for South Sudan's near and mid-term future.

8.4.1. A need for more comparative research

A very general conclusion that I draw from this research project, the intensive research on academic sources but also from the experiences from attending and presenting at numerous conferences is that the study of African states, nations and nation-states warrants and demands more comparative works than are currently being undertaken and that go beyond the ideas and concepts of the failed state. There is certainly something to be said for in-depth local studies (oftentimes conducted by anthropologists) that uncover, for instance, how power relations actually work on the ground or how people really conceive of themselves. However, there is a definite lack of works that make use of these in-depth studies to conduct comparative yet qualitative studies that focus on certain aspects of the African state and nation and that provide a better and more thorough understanding of the macro-state of African nation-states. Such comparative works, in spite of the arguments brought forward in the introduction, need not be restricted to the continent but should eventually cross the borders of continents and academic disciplines. Just as legitimate therefore as the call on academics and others to 'provincialize Europe'¹⁹⁸¹ in their thinking and their approaches is the call to globalize and thus normalize Africa by treating the continent just like any other.

A side-effect of a more equitable treatment of world regions that would arise from a wider comparative approach to global forms of statehood and nationhood would be to lessen the inherently normative and in some cases even pejorative sound of the categories used in the typology. The neopatrimonial state, for instance, recurs not only in name but also in content to a new, hybridized form of a type of political organization that Max Weber deemed typical of pre-modern, traditional societies. Attesting a country to be a neopatrimonial state therefore does not only contain a factual statement about the way power is organized by using the state's resources to give out benefits to a core group of loyal supporters but it also says that Gabon is a less developed state, actually: *less of a state* than the typical nation-state based on an idealized version of a Western European-North Atlantic amalgamate. Similar things can be said for the idea of the quasi state, whose name makes clear that a state fitting this classification is not quite worthy of being called a state at all. Illegitimate, undemocratic, swollen are each and all attributes that carry a negative connotation and the resurgence of ethnicity and the 'new nationalism' are each, in name as in meaning, testament to the failure to live up to a 'true' national ideal of collective identity, unity, common characteristics and a shared vision for the future.

¹⁹⁸¹ Chakrabarty, Dipesh. *Provincializing Europe: Postcolonial Thought and Historical Difference*. Princeton and Oxford: Princeton University Press, 2008.

8.4.2. The relationship between statebuilding and nationbuilding in South Sudan & Africa

As set out in the introduction of this dissertation, statebuilding and nationbuilding have become integral components of post-conflict peacebuilding and reconstruction efforts. The state's institutions are to be strengthened so that the state can provide for its citizens and thereby establish a link between the two, a link that is further fortified by a sense of belonging to a greater unit that shares a common past but, more importantly, a common destiny. Crucially, this duopoly of favourite solutions to the plight of former warring countries has extended beyond post-conflict countries to all those states that are deemed to be frail or dysfunctional to fulfil what are deemed its core functions: security, services, accountability.

Regarding this catechism of statebuilding and nationbuilding, the case of South Sudan raises another issue that partly transcends but partly affirms the typology of the African nation-state in the decision to treat state and nation as interrelated but independent variables. In other words, the example of South Sudan points to a view of statebuilding and nationbuilding as distinct processes that need not be thought of or pursued in unison. This moreover raises the question if nationbuilding really matters in and for South Sudan or, more precisely, if a cohesive national community is really necessary for the creation of a functioning state. On the one hand, there is the widespread notion that the presence of prepolitical norms in society, a civic ethos and a level of interpersonal trust – captured for example in Putnam's dubious concept of social capital¹⁹⁸² – are necessary for institutions to work and to be filled with life. However, these prepolitical norms cannot be created overnight and arguably have more to do with cultural norms than with nationalism and national identity.

Building a nation and a cohesive national collective is an omnipresent feature of public speeches, opinion pieces and academic production in and from South Sudan. The two pillars of official state nationalism – the positive concept of unity-in-diversity combined with the negative diatribes against tribalism and the commemoration of the war of liberation and especially the war's martyrs – are typical of diverse multiethnic countries and of countries that have emerged from a war of liberation. Yet, both have failed so far in uniting South Sudanese. Even after the immediate ethnicisation of what was originally a personal political rivalry and power contest between Salva Kiir and Riek Machar this does not mean that South Sudan's nationbuilding efforts are doomed per se. The swift evolution of telecommunications (mobile phones), the beginning of national curricula and schooling and the rapid urbanization are all features that create enabling conditions for a more cohesive imagined community of South Sudanese than was possible only a few years back.

I would however argue that South Sudan's attempts at nationbuilding have not only *so far* been unsuccessful in taking root but, if unchanged, are unlikely to do so in the future. The definitive answer to the most successful way of dealing with ethnic diversity in the construction of state and nation in Africa has not yet been delivered. It does appear much clearer, though, that the multicultural ideal informing the concept of unity-in-diversity has not succeeded in countering ethnic and other sub-national loyalties from coming to the fore in the continent's multi-ethnic countries and certainly not in South Sudan. Secondly, the non-inclusive form of officially remembering and

¹⁹⁸² For example Putnam, Robert D. *Democracies in flux: the evolution of social capital in contemporary society*. New York: Oxford University Press, 2002.

commemorating the war of liberation as the kernel of national history and national identity divides South Sudanese into multiple layers, each layer belonging to the nation to different degrees.

Moreover, the bond and unity forged by war and by fighting side by side may be unrivalled by more civil links like football or wrestling but it is also this very bond that unites people to do horrible things to others. The German writer Peter Weiss's words about the fatal attraction of marching together in uniform rings true for present-day South Sudan: "thus a force compelled me to the common bond with this marching, the force of the insane idea of a common fate"¹⁹⁸³. A much more vital component to a more benevolent and inclusive form of unity would be a genuine process of national reconciliation though it is doubtful that this will amount to much as long as those at the helm are themselves implicated in war crimes.

Hence, contrary to some analysts that claimed after the outbreak of civil war in December 2013 that statebuilding in South Sudan had been unsuccessful because of a lack of efforts to build a nation and a national vision alongside the newly created state institutions¹⁹⁸⁴, I would argue that at least in the case of South Sudan the construction of functioning state institutions and the construction of a collective national identity are parallel processes that are not causally or sequentially related. It seems doubtful that the National Archives, the National Museum and like institutions will really bring South Sudanese together and prevent further ethnically based bloodletting and it may well be sufficient for South Sudanese to only feel South Sudanese when united against a common enemy or juxtaposed to nationals from other countries. It is additionally questionable whether it is truly helpful to overcharge any institution and event – the national football team, a wrestling competition, even a fashion show – with the task of supra-tribal nationbuilding. Arguably statebuilding in South Sudan or elsewhere does not require nationbuilding. South Sudan can evolve into a functioning (whatever that means in detail) state without becoming a nation-state¹⁹⁸⁵. To turn this around: most Eritreans are arguably happy to have won independence from Ethiopia and to live in a territorial *nation* of Eritrea. What many are probably less content with is the authoritarian *state* they have to live in.

Energies might be better spent trying to create workable mechanisms of empowering local government or establishing an actual federal system to deal with the intricacies of reaching citizens in a country as large as South Sudan where there is little infrastructure and the population is still mostly rural and dispersed. Continuing to build the state's institutions will in any case be necessary in the future even if currently international organisations from UNMISS to UNDP to FAO and the manifold national bodies have switched their focus from development to preventing mass starvation in South Sudan. Once, or rather, if and when the immediate threat of famine recedes and if and when an interim government that includes the current rebels will have been formed, questions about the shape of the future state are certain to re-emerge inside and outside South Sudan. To some extent this is already happening as several South Sudanese politicians and commentators have

¹⁹⁸³ Weiss, Peter. *Abschied von den Eltern – Fluchtpunkt. Zwei Romane*. Darmstadt: Moderner Buch-Club, 1964, p. 69; in the original: "so hielt mich ein Zwang in der Zusammengehörigkeit mit diesem Marschieren fest, der Zwang von der wahnsinnigen Idee eines gemeinsamen Schicksals".

¹⁹⁸⁴ For example, *Radio France International (English)*, "Have hope in nation building, cardinal tells South Sudan", 23 March 2014, <http://www.english.rfi.fr/africa/20140323-have-hope-nation-building-cardinal-tells-south-sudan> (accessed: 9 June 2014).

¹⁹⁸⁵ These ideas were developed and discussed in the course of a conference on Sudanese studies. Frahm, Ole. *Does Nationbuilding matter for State-building in South Sudan?* Paper presented at the Sudanese Studies Association 33rd Annual Conference in San Francisco, May 2014.

voiced their support for a devolved, less centralized federal state structure as a means to preclude a renewed outbreak of internal strife, ethnic or other¹⁹⁸⁶. However, this is unlikely to be the silver bullet to solve all that ails the political system of South Sudan as not only the army's and the SPLM's centralizing traditions but also the insecure regional environment may compel South Sudan to retain – for now – most of the levers of power in Juba.

Thus, one of the important questions for the future of the South Sudanese state is whether the current state of institutional performance should be seen as a stepping stone for the gradual extension of state authority which will proceed proportional to the expansion in capacities¹⁹⁸⁷. Or, alternatively, whether the South Sudanese government will pursue a strategy of “successful state failure”¹⁹⁸⁸ and rid itself of the costs and administrative burden of providing social services by permanently outsourcing them to NGOs and international donors while expending all resources and energies to its own survival in power. It may be in this respect that statebuilding and nationbuilding in South Sudan overlap most acutely. As long as South Sudan remains a hybrid quasi state with questionable legitimacy that lacks functioning institutions, is largely privatized and concentrates power and resources at the centre, propagating and fostering the state's vision of nationalism and national identity among the South Sudanese people is going to be rather daring challenge. The idea of the territorialized national community is a lot less convincing when the state itself is unable or unwilling to territorialize its presence and authority and there are few tangible points of contact between the individual and the imagined national community of South Sudan.

For the time being, however, other worries are at the forefront along the shores of the Nile. In December of 2013, civil war erupted in Juba and has waged in several parts of the country but especially in Central Equatoria, Unity, Upper Nile and Jonglei. More than a million South Sudanese have been displaced, more than ten thousand killed and famine and disease threaten those living in refugee camps and in war-affected areas – about a third of the population. At the time of writing (June 2014), a peace agreement had been signed in Addis Ababa by the two rival leaders, Salva Kiir and Riek Machar, calling for a transitional government to be established within three months¹⁹⁸⁹. But given that the first ceasefire agreement in February 2014 faltered almost before the ink had dried and that both sides claim to have been pressured into signing a deal by the Ethiopian president¹⁹⁹⁰ and continue to trade accusations, scepticism is well-founded. Rather than ending with a peak into the crystal ball to predict what the future may hold for South Sudan, I simply hold out hope that very soon the people of South Sudan will no longer die of bullets, cholera and starvation and it will seem less preposterous to spend time discussing the South Sudanese state, nation and nation-state.

¹⁹⁸⁶ Lual, Mark Y., “Federalism Based on Ethnic Solidarity: A workable solution to S. Sudanese Political Problem”, *South Sudan Nation*, 13 May 2014, <http://www.southsudannation.com/federalism-based-on-ethnic-solidarity-a-workable-solution-to-s-sudanese-political-problem/> (accessed: 16 May 2014).

¹⁹⁸⁷ International Dialogue on Peacebuilding and Statebuilding (2010), p. 31.

¹⁹⁸⁸ Weber, Annette (2008), p. 17.

¹⁹⁸⁹ Clotey, Peter, “South Sudan to Establish Transitional Government after Conflict”, *Voice of America*, 11 May 2014, <http://www.voanews.com/content/south-sudan-to-establish-transitional-government-after-conflict/1912277.html> (accessed: 12 May 2014).

¹⁹⁹⁰ *Radio Tamazuj*, “Ethiopian leader ‘threatened to jail Riek and Kiir’ to secure South Sudan ceasefire”, 12 May 2014, <https://radiotamazuj.org/en/article/ethiopian-leader-%E2%80%99threatened-jail-riek-and-kiir%E2%80%99-secure-south-sudan-ceasefire> (accessed: 16 May 2014).

References¹⁹⁹¹

- Aalen, Lovise, "Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: the Case of Ethiopia", *International Journal on Minority and Group Rights*, Vol. 13, No. 2-3, 2006, pp. 243-261.
- Abah, Oga Steve and Okwori, Jenkeri Zakari, "Agendas in Encountering Citizens in the Nigerian context", *IDS Bulletin*, Vol. 33, No. 2, 2002, pp. 24-30.
- Abd AlRahīm, Muddathir, "Arabism, Africanism, and Self-Identification in the Sudan", *The Journal of Modern African Studies*, Vol. 8, No. 2, July 1970, pp. 233-249.
- Abdelhay, Ashraf, "A critical commentary on the discourse of language rights in the Naivasha language policy in Sudan using habitus as a method", *International Journal of the Sociology of Language*, No. 206, 2010, pp. 21-45.
- Abdelnour, Samer. *A Convergence of Need: Reintegration as a Community Process of Development for Returnees and Ex-combatants in the Sudan*. Paris: Middle East Institute & Fondation pour la Recherche Stratégique, 15 December 2010.
- Abdulbari, Nasredeem, "Citizenship Rules in Sudan and Post-Secession Problems", *Journal of African Law*, Vol. 55, No. 2, 2011, pp. 157-180.
- Abrahamsen, Rita. *Disciplining democracy: development discourse and good governance in Africa*. London: Zed Books, 2000.
- Acemoğlu, Daron and Robinson, James A. *Why nations fail: the origins of power, prosperity and poverty*. London: Profile Books, 2012.
- Adebajo, Adekeye. *The Curse of Berlin: Africa after the Cold War*. London: Hurst & Co., 2010.
- Aeberli, Annina. *Decentralisation Hybridized: A Western Concept on its Way through South Sudan*. Geneva: Graduate Institute of International and Development Studies, eCahiers No. 14, July 2012.
- African Union. *South Sudan Commission of Inquiry sworn-in*. Addis Ababa, 12 March 2014, Press Release No. 47.
- African Union. *African Union Commission Consultation with African Union Member States on Transitional Justice*. Consultation Report, Cape Town, 12-13 September 2011.
- Agbese, Pita Ogaba, "The Political Economy of the African state", in Kieh, George Klay Jr. (ed.) *Beyond state failure and collapse: making the state relevant in Africa*. Plymouth: Lexington Books, 2007, pp. 33-48.
- Agbiboa, Daniel Egiegba and Maiangwa, Benjamin, "Boko Haram, Religious Violence, and the Crisis of National Identity in Nigeria: Towards a Non-killing Approach", *Journal of Developing Societies*, Vol. 29, No. 4, 2013, pp. 379-403.
- Agreement between The Republic of the Sudan and The Republic of South Sudan on Border Issues*. Addis Ababa, 27 September 2012.

¹⁹⁹¹ In this list of references all academic works as well as reports and studies of various origins are listed. Newspaper articles and information from websites will be listed separately underneath.

- Agwanda, Titus and Harris, Geoff, "People-to-people peacemaking and peacebuilding: A review of the work of the New Sudan Council of Churches", *African Security Review*, Vol. 18, No. 2, 2009, pp. 42-52.
- Ahmad, Abdel Ghaffar Mohamed. *Sudan peace agreements: Current challenges and future prospects*. Bergen: Chr. Michelsen Institute, 2010.
- Ahmed, Einas, "The Comprehensive Peace Agreement and the Dynamics of Post-Conflict Political Partnership in Sudan", *Africa Spectrum*, Vol. 44, No. 3, 2009, pp. 133-147.
- Ajayi, J. F. Ade, "The Continuity of African Institutions under Colonialism", in Ranger, Terence (ed.) *Emerging Themes in African History*. Nairobi: East African Literature Bureau, 1968, pp. 189-200.
- Ajuok, Albino Deng, "Response of Southern Sudanese Intellectuals to African Nationalism", *The Journal of Pan African Studies*, Vol. 2, No. 5, July 2008, pp. 130-141.
- Akabwai, Darlington with Ateyo, Priscilla E. *The Scramble for Cattle, Power and Guns in Karamoja*. Medford: Feinstein International Center, 2007.
- Ake, Claude. *Democracy and development in Africa*, Washington, D.C.: Brookings Institution, 1996.
- Ake, Claude, "The State in Contemporary Africa", in Ake, Claude (ed.) *Political Economy of Nigeria*. London: Longman, 1985, pp. 1-8.
- Akol, Lam. *SPLM/SPLA: The Nasir Declaration*. Lincoln, NE: iUniverse, 2003.
- Akongdit, Addis Ababa Othow. *Impact of Political Stability on Economic Development: Case of South Sudan*. Bloomington: AuthorHouse, 2013.
- Akot, Daniel Awet, "The imperative of decentralization", in Simmons, Mark and Dixon, Peter (eds.) *Peace by piece: Addressing Sudan's conflicts*. London: ACCORD Conciliation Resources, Issue 18, 2006, pp. 76-77.
- Akyeampong, Emmanuel K., "Race, Identity and Citizenship in Black Africa: The Case of the Lebanese in Ghana", *Africa*, Vol. 76, No. 3, 2006, pp. 297-323.
- Alao, Charles, "The problem of the failed state in Africa", in Alagappa, Muthiah and Inoguchi, Takashi (eds.) *International Security Management and the United Nations*. Tokyo: United Nations University Press, 1999, pp. 83-102.
- Aldehaib, Amel. *Sudan's Comprehensive Peace Agreement viewed through the eyes of the Women of South Sudan*. Wynberg, South Africa: Institute for Justice and Reconciliation, Occasional Paper No. 3, 2010.
- Alden, Chris; Thakur, Monika and Arnold, Matthew. *Militias and the Challenges of Post-Conflict Peace: Silencing the Guns*. London: Zed Books, 2011.
- Alden Wily, Liz. *Making Peace Impossible? Failure to Honour the Land Obligations of the Comprehensive Peace Agreement in Central Sudan*. Resource Paper, September 2010.
- Alesina, Alberto and Spolaore, Enrico. *On the Number and Size of Nations*. Cambridge, MA: National Bureau of Economic Research, Working Paper No. 5050, March 1995.
- Alexander, Neville, "Ten Years After Apartheid: The State of Nation-Building in South Africa", in Dorman, Sara; Hammett, Daniel and Nugent, Paul (eds.) *Making Nations, Creating Strangers. States and Citizenship in Africa*. Leiden: Brill, 2007, pp. 197-219.

- Ali, Ali Abdel Gadir; Elbadawi, Ibrahim A. and El-Batahani, Atta, "Sudan's Civil War. Why has it prevailed for so long?", in Collier, Paul and Sambanis, Nicholas (eds.) *Understanding Civil War: Evidence and Analysis (Volume 1: Africa)*. Washington: The World Bank, 2005, pp. 193-219.
- Ali, Abbas Ibrahim Muhammad. *The British, the Slave Trade and Slavery in The Sudan: 1820-1881*. Khartoum: Khartoum University Press, 1972.
- Alie, Joe A. D., "Reconciliation and traditional justice: tradition-based practices of the Kpaa Mende in Sierra Leone", in Huyse, Luc and Salter, Mark (eds.) *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences*. Stockholm: International IDEA, 2008, pp. 123-146.
- Alier, Abel. *Southern Sudan: Too Many Agreements Dishonoured*. Exeter: Ithaca Press, 1990.
- Alier, Abel, "The Southern Sudan Question", in Wai, Dunstan M. (ed.) *The southern Sudan: The problem of national integration*. London: Cass, 1973, pp. 11-27.
- Almquist Knopf, Kate. *Fragility and State-Society Relations in South Sudan*. Washington, D.C.: Africa Center for Strategic Studies, Research Paper, September 2013.
- Altbach, Philip G., "Globalisation and the university: Myths and realities in an unequal world", *Tertiary Education and Management*, Vol. 10, No. 1, 2004, pp. 3-25.
- Amnesty International. *Nowhere Safe: Civilians under attack in South Sudan*. London: Amnesty International Publications, May 2014.
- Amnesty International. *South Sudan: Civil Unrest and State Repression. Human rights violations in Wau, Western Bahr el Ghazal state*. London: Amnesty International Publications, February 2013.
- Amnesty International. *South Sudan: Lethal Disarmament. Abuses Related to Civilian Disarmament in Pibor County, Jonglei State*. London: Amnesty International Publications, October 2012.
- Amnesty International. *Sudan-South Sudan: Destruction and Desolation in Abyei*. London: Amnesty International Publications, December 2011.
- Amnesty International. *Sudan: A continuing human rights crisis*. London: Amnesty International Publications, April 1992.
- Ambrosetti, David, "Le Sud-Soudan en paix? Sociologie politique d'une promesse d'indépendance", *Politique Africaine*, No. 122 (Sud-Soudan, conquérir l'indépendance, négocier l'Etat), June 2011, pp. 5-20.
- Anderson, Benedict. *Imagined communities: reflections on the origin and spread of nationalism*. London: Verso, 1983.
- Anderson, David M. and Browne, Adrian J., "The politics of oil in eastern Africa", *Journal of Eastern African Studies*, Vol. 5, No. 2, 2011, pp. 369-410.
- Anderson, Malcolm. *Frontiers: Territory and State Formation in the Modern World*. Cambridge: Polity Press, 1996.
- Angerbrandt, Henrik, "Political decentralisation and conflict: The Sharia crisis in Kaduna, Nigeria", *Journal of Contemporary African Studies*, Vol. 29, No. 1, 2011, pp. 15-31.
- Ansprenger, Franz. *Politische Geschichte Afrikas im 20. Jahrhundert*. München: Beck, 1999.

- Antwi-Boateng, Osman and O'Mahony, Geraldine Maria, "A Framework for the Analysis of Peace Agreements and Lessons Learned: The Case of the Sudanese Comprehensive Peace Agreement", *Politics & Policy*, Vol. 36, No. 1, 2008, pp. 132-178.
- Appiah, K. Anthony, "Ethnic Identity as a Political Resource", in Kiros, Teodros (ed.) *Explorations in African Political Thought: Identity, Community, Ethics*. London: Routledge, 2001, pp. 45-53.
- Aristotle. *Politics. Books I and II*. Translated with a commentary by Trevor J. Saunders. Oxford: Clarendon, 1995.
- Arkell, Anthony John. *A history of the Sudan: From the earliest times to 1821*. London: Athlone, 1955.
- Armstrong, Gary, "Talking Up the Game: Football and the Reconstruction of Liberia, West Africa", *Identities: Global Studies in Culture and Power*, Vol. 9, No. 4, 2002, pp. 471-494.
- Arnault, Karel and Højbjerg, Christian Kordt, "Gouvernance et ethnographie en temps de crise: de l'étude des ordres émergents dans l'Afrique entre guerre et paix", *Politique Africaine*, No. 111, October 2008, pp. 5-21.
- Arndt, Ernst Moritz, "Über Volkshaß", in Jeismann, Michael (ed.) *Grenzfälle: Über neuen und alten Nationalismus*. Leipzig: Reclam, 1993, pp. 319-334.
- Arnold, Matthew B. and LeRiche, Matthew. *Allies and defectors: An update on armed group integration and proxy force activity*. Geneva: Small Arms Survey, Sudan Issue Brief, No. 11, May 2008.
- Arnold, Matthew B., "The South Sudan Defence Force: patriots, collaborators or spoilers?", *The Journal of Modern African Studies*, Vol. 45, No. 4, December 2007, pp. 489-516.
- Arnold, Matthew B. and Alden, Chris. *'This Gun is our Food': Demilitarising the White Army Militias of South Sudan*. Oslo: Norwegian Institute of International Affairs, No. 722, 2007.
- Aron, Raymond. *Peace and war: a theory of international relations*. Garden City, NY: Doubleday, 1966.
- Aruai, Israel Chol. *A high risk of not achieving the set EFA goals: a critical examination of education challenges, policies and strategies in the SPLM administered areas*. Paper commissioned for the EFA Global Monitoring Report 2003/4, *The Leap to Equality*, UNESCO, 2003.
- A/Salam, Elfatih A., "The politicization of ethnic sentiments in the Sudan: Implications for nationbuilding", *Journal of Third World Studies*, Vol. 25, No. 1, 2008, pp. 111-135.
- Asante, S.K.B. in collaboration with Chanaiwa, David, "Pan-Africanism and regional integration", in Mazrui, Ali (ed.) *General history of Africa. 8. Africa since 1935*. Oxford: Heinemann, 1993, pp. 724-743.
- Ashkenazi, Michael; Farha, Joe; Isikozlu, Elvan; Radeke, Helen and Rush, Philip. *Services, Return and Security in Four Counties in Southern Sudan*. Survey commissioned by AAH-I and IPCS, Final Report, Bonn International Centre for Conversion, 2008.
- Asiwaju, A. I., "The Conceptual Framework", in Asiwaju, A. I. (ed.) *Partitioned Africans*. London: Hurst, 1985, pp. 1-18.
- Askew, Kelly M. *Performing the nation: Swahili music and cultural politics in Tanzania*. Chicago: University of Chicago Press, 2002.

- Assal, Munzoul A. M. *Nationality and Citizenship Questions in Sudan after the Southern Sudan Referendum Vote*. Bergen: Chr. Michelsen Institute, Sudan Report, No. 1, January 2011.
- Atari, Dominic Odwa; Abdelnour, Samer; McKague, Kevin and Wager, Roger. *Technical, Vocational and Entrepreneurial Capacities in Southern Sudan: Assessment and Opportunities*. York: University Centre for Refugees Studies and Plan International Inc., 2010.
- Atkinson, Ronald Raymond. *The roots of ethnicity: the origins of the Acholi of Uganda before 1800*. Philadelphia: University of Pennsylvania Press, 1994.
- Atta-Asamoah, Andrews; Sharamo, Roba D. and Mwanzia, Philip M. *South Sudan: origins and implications of emerging (in)security dynamics*. Addis Ababa: African Centre for Peace and Security Training, Institute for Security Studies Africa, Situation Report, 29 July 2011.
- Auer, Andreas; Bisaz, Corsin; Mendez, Fernando and Thürer, Daniel. *The Transitional Constitution of the Republic of South Sudan 2011: An Expert View from the Outside*. Zentrum für Demokratie Aarau, 31 October 2011.
- Augé, Benjamin, "L'enjeu pétrolier dans un Soudan éclaté", *Politique Africaine*, No. 122, June 2011, pp. 85-99.
- Awolich, Abraham, "What is South Sudan's Wisdom Courting Russia", *The Sudd Institute*, Weekly Review, 10 June 2014.
- Awolich, Abraham, "The Unwanted Carnage in South Sudan", *The Sudd Institute*, Policy Brief, 13 February 2014.
- Awortwi, Nicholas, "The Past, Present, and Future of Decentralisation in Africa: A Comparative Case Study of Local Government Development Trajectories of Ghana and Uganda", *International Journal of Public Administration*, Vol. 33, No. 12-13, 2010, pp. 620-634.
- Ayoade, John A. A., "States without Citizens: An Emerging African Phenomenon", in Rothchild, Donald and Chazan, Naomi (eds.) *The Precarious Balance: State and Society in Africa*. Boulder, CO: Westview Press, 1988, pp. 100-118.
- Ayoob, Mohammed. *The Third World Security Predicament: State-Making, Regional Conflict, and the International System*. Boulder: Lynne Rienner, 1995.
- Ayoob, Mohammed, "Subaltern Realism: International Relations Theory Meets the Third World", in Neuman, Stephanie G. (ed.) *International Relations Theory and the Third World*. New York: St. Martin's Press, 1998, pp. 31-54.
- Ayoob, Mohammed, "Inequality and Theorizing in International Relations: The Case for Subaltern Realism", *International Studies Review*, Vol. 4, No. 3, Autumn 2002, pp. 27-48.
- Ayoub, Mona, "Land and conflict in Sudan", in Simmons, Mark and Dixon, Peter (eds.) *Peace by piece: Addressing Sudan's conflicts*. London: ACCORD Conciliation Resources, Issue 18, 2006, pp. 14-15.
- Azania Liberation Front. *Constitution of the Azania Liberation Front*. Kampala, 14 December 1965.
- Azikiwe, Nnamdi, "Tribalism: A Pragmatic instrument for national unity", in *President Azikiwe: Selected Speeches 1940-1964*. Lagos: The Daily Times of Nigeria, 1964.
- Azikiwe, Nnamdi, "The future of Pan-Africanism", *Présence Africaine*, Vol. 40, No. 12, 1962, pp. 7-29.
- Badal, Rafael. *Local Traditional Structures in Sudan*. Uppsala: Life and Peace Institute, 2005.

- Badal, Raphael Koba, "The Rise and Fall of Separatism in Southern Sudan", *African Affairs*, Vol. 75, No. 301, Oct. 1976, pp. 463-474.
- Badie, Bertrand and Birnbaum, Pierre. *The sociology of the state*. Chicago: University of Chicago Press, 1983.
- Badie, Bertrand. *The imported state: the westernization of the political order*. Stanford, Calif.: Stanford University Press, 2000.
- Badiey, Naseem, "The Strategic Instrumentalization of Land Tenure in 'Statebuilding': The Case Of Juba, South Sudan", *Africa*, Vol. 83, No. 1, 2013, pp. 57-77.
- Bailey, Sarah and Harragin, Simon. *Food assistance, reintegration and dependency in Southern Sudan*. Report commissioned by the World Food Programme, June 2009.
- Baker, Bruce and Scheye, Eric, "Access to Justice in a Post-conflict State: Donor-supported Multidimensional Peacekeeping in Southern Sudan", *International Peacekeeping*, Vol. 16, No. 2, 2009, pp. 171-185.
- Balandier, Georges, "Les relations de dépendance personnelle: Présentation du thème", *Cahiers d'Études Africaines*, Vol. 9, No. 35, Les Relations de Dépendance Personnelle en Afrique Noire, 1969, pp. 345-349.
- Balewa, Alhaji Sir Abubakar Tafawa, "Unity and Diversity in Independence", in Cartey, Wilfred and Kilson, Martin (eds.) *The Africa Reader: Independent Africa*. New York: Vintage Books, 1970, pp. 84-86.
- Bandyopadhyay, Sanghamitra and Green, Elliott, "Nation-Building and Conflict in Modern Africa", *World Development*, Vol. 45, 2013, pp. 108-118.
- Banégas, Richard, "Génération 'guerriers'? Violence et subjectivation politique des jeunes miliciens en Côte d'Ivoire", in Duclos, Nathalie (ed.) *L'Adieu aux armes? Trajectoires d'anciens combattants*. Paris: Karthala, 2010, pp. 359-397.
- Bangoura, Dominique, "État et sécurité en Afrique", *Politique Africaine*, No. 61 (Besoin d'Etat), 1996, pp. 39-53.
- Bangura, Yusuf, "Ethnic Inequalities in the Public Sector: A Comparative Analysis", *Development and Change*, Vol. 37, No. 2, 2006, pp. 299-328.
- Bangura, Yusuf, "Globalisation and African Development", in Suttner, Raymond (ed.) *Africa in the New Millennium*. Uppsala: Nordiska Afrikainstitutet, Discussion Paper No. 13, 2001, pp. 34-48.
- Barltrop, Richard. *What Peace and Whose? Envisioning a more comprehensive, more stable peace in South Sudan and Sudan*. London: International Alert, February 2012.
- Barltrop, Richard. *Negotiating Disarmament: The Negotiation of Security Issues in Sudan's Comprehensive Peace Agreement*. Lausanne: Centre for Humanitarian Dialogue, Country study No. 2, March 2008.
- Barnard, Alan, "Coat of Arms and the Body Politic: Khoisan imagery and South African national identity", *Ethnos*, Vol. 69, No. 1, 2004, pp. 5-22.
- Barracclough, Geoffrey. *Tendenzen der Geschichte im 20. Jahrhundert*. München: C.H. Beck, 1971.

Barume, Albert Kwokwo. *Heading Towards Extinction? Indigenous Rights in Africa: The Case of the Twa of the Kahuzi-Biega National Park, Democratic Republic of Congo*. Copenhagen: International Work Group for Indigenous Affairs, 2000.

Basedau, Matthias and Stroh, Alexander, "How ethnic are African parties really? Evidence from four Francophone countries", *International Political Science Review*, Vol. 33, No. 1, 2012, pp. 5-24.

Bates, Robert H. *When things fell apart: state failure in late-century Africa*. Cambridge: Cambridge University Press, 2008.

Bates, Robert H. "Political conflict and state failure", in Ndulu, Benno J.; O'Connell, Stephen A.; Bates, Robert H.; Collier, Paul and Soludo, Chukwuma C. (eds.) *The political economy of economic growth in Africa, 1960 – 2000*. Cambridge: Cambridge University Press, 2008, pp. 249-296.

Bates, Robert H. *Markets and states in tropical Africa: the political basis of agricultural policies*. Berkeley: University of California Press, 2005.

Bates, Robert H.; Mudimbe, Valentin Y. and O'Barr, Jean, "Introduction", in Bates, Robert H.; Mudimbe, Valentin Y. and O'Barr, Jean (eds.) *Africa and the Disciplines: The Contributions of Research in Africa to the Social Sciences and Humanities*. Chicago: University of Chicago Press, 1993.

Bayart, Jean-François, "L'historicité de l'Etat Importé", in Bayart, Jean-François (ed.) *La Greffe de l'Etat*. Paris: Karthala, 1996, pp. 11-39.

Bayart, Jean-François; Ellis, Stephen and Hibou, Béatrice, "From Kleptocracy to the Felonious State?", in Bayart, Jean-François; Ellis, Stephen and Hibou, Béatrice (eds.) *The Criminalization of the State in Africa*. Bloomington, IN: Indiana University Press, 1999, pp. 1-31.

Bayart, Jean-François; Geschiere, Peter and Nyamnjoh, Francis, "Autochtonie, démocratie et citoyenneté en Afrique", *Critique internationale*, No. 10, January 2001, pp. 177-194.

Bayart, Jean-François. *The State in Africa: the Politics of the Belly*. London and New York: Longman, 1993.

Beasley, Ina. *Before the Wind Changed: People, Places and Education in the Sudan*. Oxford: Oxford University Press, 1992.

Bechtold, Peter K., "More turbulence in Sudan: a new politics this time?", *Middle East Journal*, Vol. 44, No. 4, Autumn 1990, pp. 579-595.

Beck, Kurt, "Das vorläufige Ende der Razzien. Nomadisches Grenzkriegertum und staatliche Ordnung im Sudan", in Schneider, Irene (ed.) *Militär und Staatlichkeit. Beiträge des Kolloquiums am 29. und 30.04.2002*. Halle, 2003 (Orientwissenschaftliche Hefte 12; Mitteilungen des SFB 'Differenz und Integration' 5), pp. 127–150.

Bell, Daniel, "Ethnicity and social change", in Glazer, Nathan and Moynihan, Daniel Patrick (eds.) *Ethnicity: Theory and Experience*. Cambridge, Mass.: Harvard University Press, 1975, pp. 160-171.

Bennafla, Karine, "La fin des territoires nationaux?: État et commerce frontalier en Afrique centrale", *Politique Africaine*, No. 73, March 1999, pp. 25-49.

Bennett, Jon; Pantuliano, Sara; Fenton, Wendy; Vaux, Anthony; Barnett, Chris and Brusset, Emery. *Aiding the Peace: A Multi-donor Evaluation of Support to Conflict Prevention and Peacebuilding Activities in Southern Sudan 2005-2010*. ITAD Ltd., United Kingdom, December 2010.

Bereketeab, Redie. *Self-Determination and Secessionism in Somaliland and South Sudan: Challenges to Postcolonial State-building*. Uppsala: Nordiska Afrikainstitutet, Discussion Paper No. 75, 2012.

Berger, Mark T., "From Nation-Building to State-Building: The Geopolitics of Development, the Nation-State System and the Changing Global Order", *Third World Quarterly*, Vol. 27, No. 1, 2006, pp. 5-25.

Berlin, Isaiah, "Nationalism: Past Neglect and Present Power", in Berlin, Isaiah. *Against the Current: Essays in the History of Ideas*. Princeton, NJ: Princeton University Press, 2001, pp. 333-355.

Berlin, Isaiah, "Der gekrümmte Zweig: Über den Aufstieg des Nationalismus", in Jeismann, Michael (ed.) *Grenzfälle: Über neuen und alten Nationalismus*. Leipzig: Reclam, 1993, pp. 146-174.

Berlin, Isaiah, "Two Concepts of Liberty", in Berlin, Isaiah. *Four Essays on Liberty*. London: Oxford University Press, 1969, pp. 118-172.

Berman, Bruce J., "Ethnicity, Patronage, and the African State: The Politics of Uncivil Nationalism", *African Affairs*, Vol. 97, No. 388, 1998, pp. 305-341.

Beshir, Mohamed Omer. *The Southern Sudan: Background to conflict*. London: Hurst, 1968.

Beswick, Stephanie. *Sudan's Blood Memory: The Legacy of War, Ethnicity, and Slavery in Early South Sudan*. Rochester: University of Rochester Press, 2006.

Beswick, Stephanie, "Islam and the Dinka of the Southern Sudan from the pre-colonial period to independence (1956)", *Journal of Asian and African Studies*, Vol. 29, No. 3/4, July 1994, pp. 172-185.

Bhabha, Homi, "Narrating the Nation", in Hutchinson, John and Smith, Anthony D. (eds.) *Nationalism*. Oxford: Oxford University Press, 1994, pp. 306-312.

Bhagwati, Jagdish N. *The economics of underdeveloped countries*. London: Weidenfeld & Nicolson, 1966.

Biel, Melha Rout, "The Role of African & Arab Elite in Building a New Sudan", in Grawert, Elke (ed.) *After the Comprehensive Peace Agreement in Sudan*. Woodbridge / New York: Boydell & Brewer / James Currey, 2010, pp. 29-50.

Bilgin, Pinar and Morton, Adam David, "From 'Rogue' to 'Failed' States? The Fallacy of Short-termism", *Politics*, Vol. 24, No. 3, 2004, pp. 169-180.

Bines, Ama, "The Legacy of Kwame Nkrumah in Retrospect", *The Journal of Pan African Studies*, Vol. 2, No. 3, 2008, pp. 129-159.

Bjornson, Richard, "National Identity Concepts in Africa: Interplay between European Categorization Schemes and African Realities", in Boerner, Peter (ed.) *Concepts of National Identity – an Interdisciplinary Dialogue. Interdisziplinäre Betrachtungen zur Frage der nationalen Identität*. Baden-Baden: Nomos Verlagsgesellschaft, 1986, pp. 123-139.

Bleuchot, Hervé, "La liberté religieuse au Soudan: du système moderne au système antique", *Annuaire de l'Afrique du Nord*, Vol. 34, 1995, pp. 143-173.

Blundo, Giorgio and Jacob, Jean-Pierre. *Socio-anthropologie de la décentralisation en milieu rural africain. Bibliographie selective et commentée*. Geneva: IUED, 1997.

Blunt, Peter, "Governance conditions, roles and capacity-building needs in the rebel-held areas of Southern Sudan", *Public Administration and Development*, Vol. 23, No. 2, 2003, pp. 125-139.

- Bøås, Morten, "Making Plans for Liberia – a Trusteeship Approach to Good Governance?", *Third World Quarterly*, Vol. 30, No. 7, 2009, pp. 1329-1341.
- Bodin, Jean. *Les six livres de la République*. Paris: Librairie Générale Française, 1993.
- Böckenförde, Markus, "The Abyei Award: Fitting a Diplomatic Square Peg into a Legal Round Hole", *Leiden Journal of International Law*, Vol. 23, No. 3, September 2010, pp. 555-569.
- Boone, Catherine. *Political Topographies of the African State: Territorial authority and institutional choice*. Cambridge: Cambridge University Press, 2004.
- Bouckaert, Peter. *They came to kill. Escalating atrocities in the Central African Republic*. Human Rights Watch, December 2013.
- Bourdieu, Pierre. *Outline of a theory of practice*. Cambridge: Cambridge University Press, 2006 [1977].
- Bradbury, Mark, "Ethnicity and the emergence of Somaliland", in Guibernau, Montserrat and Rex, John (eds.) *The Ethnicity Reader: Nationalism, Multiculturalism & Migration*. 2nd edition. Cambridge and Malden: Polity Press, 2010, pp. 125-134.
- Bradbury, Mark; Ryle, John; Medley, Michael and Sansculotte-Greenidge, Kwesi. *Local Peace Processes in Sudan: A Baseline Study*. Rift Valley Institute, 2006.
- Branch, Adam and Mampilly, Zachariah Cherian, "Winning the War, but Losing the Peace? The Dilemma of SPLM/A Civil Administration and the Tasks Ahead", *The Journal of Modern African Studies*, Vol. 43, No. 1, Mar. 2005, pp. 1-20.
- Branch, Daniel and Cheeseman, Nic, "Democratization, Sequencing, and State Failure in Africa: Lessons from Kenya", *African Affairs*, Vol. 108, No. 430, 2009, pp. 1-26.
- Bratton, Michael and van de Walle, Nicolas. *Democratic Experiments in Africa*. Cambridge: Cambridge University Press, 1997.
- Bratton, Michael and Rothchild, Donald S., "The Institutional Bases of Governance in Africa", in Hyden, Göran and Bratton, Michael (eds.) *Governance and Politics in Africa*. Boulder: Lynne Rienner, 1992, pp. 263-284.
- Breidlid, Anders; Said, Avelino Androga and Breidlid, Astrid Kristine (eds.) *A Concise History of South Sudan*. Kampala: Fountain Publishers, 2010.
- Breidlid, Anders, "Sudanese Images of the Other: Education and Conflict in Sudan", *Comparative Education Review*, Vol. 54, No. 4, November 2010, pp. 555-579.
- Breidlid, Ingrid Marie and Stensland, Andreas Øien, "The UN Mission and Local Churches in South Sudan: Opportunities for Partnerships in Local Peacebuilding", *Conflict Trends*, No. 3, 2011, pp. 29-36.
- Brenner, Louis, "Muslim Representations of Unity and Difference in the African Discourse", in Brenner, Louis (ed.) *Muslim Identity and Social Change in Sub-Saharan Africa*. Bloomington: Indiana University Press, 1993, pp. 1-20.
- Brethfeld, Julie. *Unrealistic Expectations: Current Challenges to Reintegration in Southern Sudan*. Geneva: Small Arms Survey, June 2010.
- Brosché, Johan and Rothbart, Daniel. *Violent Conflict and Peacebuilding: The continuing crisis in Darfur*. London & New York: Routledge, 2013.

- Brosché, Johan. *Sharing Power – Enabling Peace? Evaluating Sudan’s Comprehensive Peace Agreement 2005*. Uppsala: Uppsala University, 2009.
- Brown, David. *Contemporary Nationalism: Civic, ethnocultural and multicultural politics*. London and New York: Routledge, 2000.
- Brown, David, “Ethnic Revival: Perspectives on State and Society”, *Third World Quarterly*, Vol. 11, No. 4, 1989, pp. 1-17.
- Brown, Gordon. *Education in South Sudan: Investing in a better future*. London: The Office of Gordon and Sarah Brown, 2012.
- Brunschwig, Henri. *Le Partage de l’Afrique noire*. Paris: Flammarion, 1971.
- Bul, Daniel Deng. *The Way Forward: Comprehensive Strategic Dimensions for Healing, Peace and Reconciliation for all South Sudanese*. Working Paper, Committee for National Healing, Peace and Reconciliation, Juba, July 2013.
- Burr, J. Millard and Collins, Robert O. *Revolutionary Sudan: Hasan al-Turabi and the Islamist state, 1989-2000*. Leiden: Brill, 2003.
- Burr, J. Millard. *Quantifying Genocide in Southern Sudan and the Nuba Mountains. Working Document II*. Washington, D.C.: U.S. Committee for Refugees, 1998.
- Burton, John W., “Christians, Colonists, and Conversion: a View from the Nilotic Sudan”, *The Journal of Modern African Studies*, Vol. 23, No. 2, June 1985, pp. 349-369.
- Burton, John W., “Pastoral Nilotes and British Colonialism”, *Ethnohistory*, Vol. 28, No. 2, Spring 1981, pp. 125-132.
- Bützer, Christina. *The second-class citizens of Sudan: A study of southern Sudanese in Khartoum*. Inauguraldissertation zur Erlangung des Grades einer Doktorin der Philosophie, Fachbereich Politik und Sozialwissenschaften der Freien Universität Berlin, 2011.
- Buur, Lars and Kyed, Helene Maria, “Introduction: traditional authority and democratization in Africa”, in Buur, Lars and Kyed, Helene Maria (eds.) *State recognition and democratization in Sub Saharan Africa. A New Dawn for Traditional Authorities?*. New York: Palgrave Macmillan, 2007, pp. 1-28.
- Cakaj, Ledio. *The Lord’s Resistance Army and the Threat Against Civilians in Southern Sudan*. Report for The Enough Project, December 2009.
- Calhoun, Craig. *Nationalism*. Buckingham: Open University Press, 1997.
- Callaghy, Thomas. *The state-society struggle: Zaire in comparative perspective*. New York: Columbia University Press, 1984.
- Campbell, Bonnie, “Guinea and Bauxite-Aluminium: The Challenges of Development and Poverty Reduction”, in Campbell, Bonnie (ed.) *Mining in Africa: Regulation and Development*. London & New York: Pluto Press, 2009, pp. 66-118.
- Campbell, Horace, “War and the Negotiation of Gendered Identities in Angola”, in Palmberg, Mai (ed.) *National Identity and Democracy in Africa*. Uppsala: Nordic Africa Institute and Cape Town: Human Sciences Research Council and Mayibuye Centre of the University of the Western Cape, 1999, pp. 119-166.

Campbell, John, "Nationalism, ethnicity and religion: fundamental conflicts and the politics of identity in Tanzania", *Nations and Nationalism*, Vol. 5, No. 1, 1999, pp. 105-125.

Canovan, Margaret. *Nationhood and political theory*. Cheltenham: Elgar, 1996.

Carrington, Graham. *Cross-border trade: fuelling conflict or building peace? An exploration of cross-border trade between Sudan and Uganda and the implications for peacebuilding*. Conciliation Resources, September 2009.

Carton, Benedict, "Introduction: Zuluness in the Post- and Neo-worlds", in Carton, Benedict; Laband, John and Sithole, Jabulani (eds.) *Zulu Identities: Being Zulu, Past and Present*. Pietermaritzburg: University of KwaZulu-Natal Press, 2008, pp. 3-22.

Centre for International Governance Innovation, "Southern Sudan", *Security Sector Reform Monitor*, No. 4, January 2011.

Chabal, Patrick. *Africa: the politics of suffering and smiling*. London: Zed Books, 2009.

Chabal, Patrick, "Imagined Modernities: community, nation and state in postcolonial Africa", in Torgal, Luis Reis; Pimenta, Fernando Tavares and Sousa, Julião Soares (eds.) *Comunidades Imaginadas: Nação e Nacilismo em África*. Coimbra: University of Coimbra, 2008, pp. 41-48.

Chabal, Patrick, "Power in Africa Reconsidered", in Engel, Ulf and Olsen, Gorm Rye (eds.) *The African Exception*. Aldershot: Ashgate, 2005, pp. 17-34.

Chabal, Patrick and Daloz, Jean-Pascal. *Africa works: disorder as political instrument*. Oxford: Currey, 1999.

Chakrabarty, Dipesh. *Provincializing Europe: Postcolonial Thought and Historical Difference*. Princeton and Oxford: Princeton University Press, 2008.

Chandler, David. *Empire in Denial: The Politics of Statebuilding*. London: Pluto Press, 2006.

Chatterjee, Partha. *The Politics of the Governed: Reflections on popular politics in most of the world*. New York, NY: Columbia University Press, 2004.

Chazan, Naomi; Lewis, Peter; Mortimer, Robert; Rothchild, Donald and Stedman, Stephen John. *Politics and society in contemporary Africa*. 3rd Edition. London: Macmillan, 1999.

Chazan, Naomi. *An Anatomy of Ghanaian Politics: Managing Political Recession*. Boulder, CO: Westview Press, 1982.

Chetail, Vincent (ed.) *Post-conflict Peacebuilding: A Lexicon*. Oxford et al.: Oxford University Press, 2009.

CHF International. *South Sudan: Needs Assessment Report Morobo/Torit County and Khor Wulliang (Juba County)*. January 2012.

Chipkin, Ivor. *Do South Africans Exist? Nationalism, Democracy and the Identity of the "People"*. Johannesburg: Wits University Press, 2007.

Chol, Timothy Tot. *Civil Authority in the New Sudan: Organization, Functions and Problems*. Presentation at the Conference on Civil Society & the Organization of Civil Authority in the New Sudan, April 1996.

Clapham, Christopher. *Africa and the International System: The Politics of State Survival*. Cambridge: Cambridge University Press, 2007.

- Clapham, Christopher, "Rethinking African States", *African Security Review*, Vol. 10, No. 3, 2001, pp. 6-16.
- Clapham, Christopher, "Introduction: Analysing African Insurgencies", in Clapham, Christopher (ed.) *African Guerrillas*. Oxford: James Currey, 1998, pp. 1-18.
- Clark, Phil. *Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers*. Cambridge et al.: Cambridge University Press, 2010.
- Coalition for International Justice. *Soil and Oil: Dirty Business in Sudan*. Washington, February 2006.
- Cobham, Alex, "Causes of Conflict in Sudan: Testing the Black Book", *The European Journal of Development Research*, Vol. 17, No. 3, September 2005, pp. 462-480.
- Cockett, Richard. *Sudan: Darfur and the Failure of an African State*. New Haven and London: Yale University Press, 2010.
- Collier, Paul; Elliott, Lani; Hegre, Håvard; Hoeffler, Anke; Reynal-Querol, Marta and Sambanis, Nicholas. *Breaking the Conflict Trap: Civil War and Development Policy*. Washington, DC: World Bank and Oxford University Press, 2003.
- Collins, Robert O., "Malakal Revisited: Britain in the Southern Sudan after fifty years", in Collins, Robert O. *Civil Wars & Revolution in the Sudan: Essays on the Sudan, Southern Sudan, and Darfur, 1962-2004*. Hollywood: Tsehai, 2005, pp. 357-366.
- Collins, Robert O., "Africans, Arabs, and Islamists: From the Conference Tables to the Battlefields in the Sudan", *African Studies Review*, Vol. 42, No. 2, 1999, pp. 105-123.
- Collins, Robert O. *Shadows in the Grass: Britain in the Southern Sudan, 1918-1956*. New Haven: Yale University Press, 1983.
- Collins, Robert and Herzog, Richard, "Early British Administration in the Southern Sudan", *The Journal of African History*, Vol. 2, No. 1, 1961, pp. 119-135.
- Comaroff, Jean and Comaroff, John L., "Law and disorder in the postcolony: an introduction", in Comaroff, Jean and Comaroff, John L. (eds.) *Law and Disorder in the Postcolony*. Chicago: University of Chicago Press, 2006, pp. 1-56.
- Cometto, Giorgio; Fritsche, Gyuri and Sondorp, Egbert, "Health sector recovery in early post-conflict environments: experience from southern Sudan", *Disasters*, Vol. 34, No. 4, 2010, pp. 885-909.
- Conciliation Resources. *'When will this end and what will it take?' People's perspectives on addressing the Lord Resistance Army conflict*. London, November 2011.
- Concordis International. *More than a line: Sudan's North-South border*. Sudan Report, September 2010.
- Conn, Jordan. *The Defender*. Ebook: The Atavist, 2011.
- Connell, Dan. *Global Trade Local Impact: Arms Transfers to all Sides in the Civil War in Sudan*. Human Rights Watch, August 1998.
- Connor, Walker. *Ethnonationalism: the quest for understanding*. Princeton, NJ: Princeton University Press, 1994.
- Consumer Options. *South Sudan Media Survey (Juba, Wau, Maridi, Panyagor, Yambio and Yei)*. Nairobi: Education Development Center, 2008.

Cooper, Frederick. *Africa since 1940: The past of the present*. Cambridge: Cambridge University Press, 2002.

Cooper, Frederick, "Conflict and Connection: Rethinking Colonial African History", *The American Historical Review*, Vol. 99, No. 5, Dec. 1994, pp. 1516-1545.

Cook, Traci D.; Moro, Leben Nelson and Lo-Lujo, Onesimo Yabang. *From a Transitional to a Permanent Constitution: Views of Men and Women in South Sudan on Constitution-Making*. Washington: National Democratic Institute for International Affairs, June 2013.

Cook, Traci D. and Moro, Leben Nelson. *Governing South Sudan: Opinions of South Sudanese on a Government That Can Meet Citizen Expectations*. Washington: National Democratic Institute for International Affairs, 22 March 2012.

Cook, Traci. *Building a Nation: South Sudanese share their thoughts on the creation of a successful state*. Washington: National Democratic Institute for International Affairs, 23 November 2011.

Cook, Traci D. and Vexler, Dan. *Imagining the Election: A Look at What Citizens Know and Expect of Sudan's 2010 Vote*. Washington: National Democratic Institute for International Affairs, 30 September 2009.

Cook, Traci. *Inter-Governmental Relations in Southern Sudan*. Washington: National Democratic Institute for International Affairs, 30 September 2008.

Cook, Traci D. *A Place to Call their Own: Southern Sudanese Comment on the Hard Work & Struggles of Self-Governance*. Washington: National Democratic Institute for International Affairs, 18 September 2007.

Cope, Kevin L., "The Intermestic Constitution: Lessons from the World's Newest Nation", *Virginia Journal of International Law*, Vol. 53, No. 3, pp. 667-724.

Copnall, James. *A Poisonous Thorn in Our Hearts: Sudan and South Sudan's Bitter and Incomplete Divorce*. London: Hurst & Co., 2014.

Coquery-Vidrovitch, Catherine, "Problèmes actuels", in Coquery-Vidrovitch, Catherine and Moniot, Henri (eds.) *L'Afrique Noire. De 1800 à nos jours*. Paris: Presses Universitaires de France, 1974, pp. 381-438.

Cormack, Zoe. *Learning History Through Songs in Gogrial*. Paper presented at the 56th Annual Meeting of the African Studies Association, Baltimore, November 2013.

Crawford, Gordon and Hartmann, Christof, "Conclusion: Decentralisation – No Shortcut to Development and Peace", in Crawford, Gordon and Hartmann, Christof (eds.) *Decentralisation in Africa: A Pathway out of Poverty and Conflict?*. Amsterdam: Amsterdam University Press, 2008, pp. 233-252.

Craze, Joshua. *Dividing Lines: Grazing and conflict along the Sudan-South Sudan border*. Geneva: Small Arms Survey, July 2013.

Craze, Joshua. *Creating Facts on the Ground: Conflict Dynamics in Abyei*. Geneva: Small Arms Survey, June 2011.

Craze, Joshua, "Counting a Divided Nation: On the Sudanese Census", *Anthropology News*, May 2010, pp. 14-15.

- Crook, Richard C., "Decentralisation and Poverty Reduction in Africa: The Politics of Local-Central Relations", *Public Administration and Development*, Vol. 23, No. 1, 2003, pp. 77–88.
- Cunnison, Ian and James, Wendy (ed.) *Essays in Sudan Ethnography*. London: C. Hurst, 1972.
- Curtin, Philip D., "Nationalism in Africa, 1945-1965", *The Review of Politics*, Vol. 28, No. 2, Apr. 1966, pp. 143-153.
- da Costa, Diana Felix. *Working in Challenging Environments: Risk Management and Aid Culture in South Sudan*. Humanitarian Policy Group (ODI) and University of Bristol research project, field report, Juba, December 2012.
- da Costa, Diana Felix, "Responses to Intercommunal Violence in Jonglei", *e-International Relations*, 18 June 2012.
- Dahrendorf, Ralf, "Die Sache mit der Nation", in Jeismann, Michael (ed.) *Grenzfälle: Über neuen und alten Nationalismus*. Leipzig: Reclam, 1993, pp. 101-118.
- Daley, Patricia, "Ethnicity and political violence in Africa: The challenge to the Burundi state", *Political Geography*, Vol. 25, No. 6, August 2006, pp. 657-679.
- Daly, Martin W. *Imperial Sudan: the Anglo-Egyptian condominium, 1934-56*. Cambridge: Cambridge University Press, 1991.
- Dargatz, Anja. *Die Party ist vorbei: Der Sudan zwischen Aufbruch und Katerstimmung*. Berlin: Perspektive FES Sudan, July 2011.
- da Silva, Clare; Parker, Sarah and Varney, Howard. *Community security and small arms controls: Developing a legislative framework for Southern Sudan*. London et al.: Saferworld, October 2010.
- Davidson, Basil. *The Black man's burden: Africa & the curse of the nation-state*. Oxford: Currey, 1992.
- Davies, Fiona. *Contracting out core government functions and services in Southern Sudan*. Discussion Paper, Joint AfDB/PDG Conference on Contracting Out Core Government Functions and Services in Post-Conflict and Fragile Situations, Tunis, June 2009.
- Davis, Daniel; Hulme, David and Woodhouse, Philip, "Decentralization by default: Local governance and the view from the village in The Gambia", *Public Administration and Development*, Vol. 14, No. 3, 1994, pp. 253-269.
- Davis, Thomas J. and Kalu-Nwiwu, Azubike, "Education, Ethnicity and National Integration in the History of Nigeria: Continuing Problems of Africa's Colonial Legacy", *The Journal of Negro History*, Vol. 86, No. 1, Winter 2001, pp. 1-11.
- de Bruijn, Mirjam and Brinkman, Inge with Bilal, Hisham and Wani, Peter Taban. *The Nile Connection: Effects and Meaning of the Mobile Phone in a (Post)War Economy in Karima, Khartoum and Juba, Sudan*. Leiden: ASC Working Paper No. 99, February 2012.
- de Geoffroy, Agnès. *The Challenge of Protracted Displacement: The Case of Khartoum*. Washington, DC: Middle East Institute and the Fondation pour la recherche stratégique, February 2011.
- de Juan, Alexander and Pierskalla, Jan H., "Manpower to coerce and co-opt – State capacity and political violence in southern Sudan 2006-2010", *Conflict Management and Peace Science*, 2014, pp. 1-25.

- de Sardan, Jean-Pierre Olivier, "État, bureaucratie et gouvernance en Afrique de l'Ouest francophone", *Politique Africaine*, No. 96, December 2004, pp. 139-162.
- de Waal, Alex. *Sudan: What kind of state? What kind of crisis?*. London: LSE Crisis Research Centre, Occasional Paper No. 2, 2007.
- de Waal, Alex. *Sudan: international dimensions to the state and its crisis*. London: LSE Crisis Research Centre, Occasional Paper No. 3, 2007.
- Deal, Jeffrey, "Torture by 'Cieng': Ethical Theory Meets Social Practice among the Dinka Agaar of South Sudan", *American Anthropologist*, Vol. 112, No. 4, 2010, pp. 563-575.
- Debiel, Tobias and Pech, Birgit, "State Formation and Persistent Hybridity in Africa: Reflections from a Development and Conflict Perspective", in Kostovicova, Denisa and Bojicic-Dzelilovic, Vesna (eds.) *Persistent State Weakness in the Global Age*. Farnham/Burlington: Ashgate, 2009, pp. 129-147.
- Debiel, Tobias; Klingebiel, Stephan; Mehler, Andreas and Schneckener, Ulrich. *Between Ignorance and Intervention - Strategies and Dilemmas of External Actors in Fragile States*. Bonn: Stiftung Entwicklung und Frieden, Policy Paper No. 23, January 2005.
- Deckert, Roman, "The history of the Sudanese press: Background to conflict", in Media in Cooperation and Transition (ed.) *The Sudanese press after separation – Contested identities of journalism*. Berlin: MICT, 2012, pp. 6-15.
- Delany, Vicki. *Juba Good*. Victoria: Orca Book Publishers, 2014.
- Demombyne, Gabriel and Romeo, Alessandro. *A Poverty Profile for the Southern States of Sudan*. World Bank, Poverty Reduction and Economic Management Unit, Africa Region, March 2011.
- Deng, Biong. *Strategy Workshop on: The Roles of the Traditional Authorities in Local Governance in Post War South Sudan*. Rumbek, South Sudan, 14-17 July 2005.
- Deng, David K.; Mertenskoetter, Paul and van der Vondervoort, Luuk. *Establishing a Mining Sector in Postwar South Sudan*. Washington, D.C.: United States Institute of Peace, Special Report No. 330, April 2013.
- Deng, David K. *Challenges of Accountability: An Assessment of Dispute Resolution Processes in Rural South Sudan*. Juba: South Sudan Law Society, March 2013.
- Deng, David K. 'Land belongs to the community': Demystifying the 'global land grab' in Southern Sudan. The Hague: Land Deal Politics Initiative, Working Paper No. 4, February 2013.
- Deng, David K. *The New Frontier: A baseline study of large-scale land-based investment in Southern Sudan*. Oslo: Norwegian People's Aid – Solidarity in Action, Report No. 1, March 2011.
- Deng, Francis M., "Customary Law in the Cross Fire of Sudan's War of Identities", in Isser, Deborah (ed.) *Customary Justice and the Rule of Law in War-Torn Societies*. Washington: United States Institute of Peace, 2011, pp. 285-323.
- Deng, Francis M., "Human rights, universalism and democracy", in Twining, William (ed.) *Human Rights, Southern Voices*. Cambridge: Cambridge University Press, 2009, pp. 30-43.
- Deng, Francis M., "Sudan: A Nation in Turbulent Search of Itself", *Annals of the American Academy of Political and Social Science*, Vol. 603, Law, Society, and Democracy: Comparative Perspectives, Jan. 2006, pp. 155-162.

Deng, Francis M. *Green is the Color of the Masters: The Legacy of Slavery and the Crisis of National Identity in Modern Sudan*. Gilder Lehrman Center for the Study of Slavery, Resistance and Abolition, Yale University, New Haven, 23 October 2004.

Deng, Francis M.; Kimaro, Sadikiel; Lyons, Terrence; Rothchild, Donald and Zartman, I. William. *Sovereignty as Responsibility: Conflict Management in Africa*. Washington, DC: The Brookings Institution, 1996.

Deng, Francis. *War of Visions: Conflict and Identities in the Sudan*. Washington, DC: The Brookings Institution, 1995.

Deng, Francis M. *The Dinka and their songs*. Oxford: Clarendon Press, 1973.

Deng, Lual A., "Regional Conferences in South Sudan Are Imperative", *The Sudd Institute*, Weekly Review, 25 June 2013.

Deng, Luka Biong, "Social Capital and Civil War: The Dinka Communities in Sudan's Civil War", *African Affairs*, Vol. 109, No. 435, 2010, pp. 231–250.

Deng, Luka Biong, "Justice in Sudan: Will the Award of the International Abyei Arbitration Tribunal be Honoured?", *Journal of Eastern African Studies*, Vol. 4, No. 2, 2010, pp. 298-313.

Department for International Development. *Why we need to work more effectively in fragile states*. London, January 2005.

Deutsch, Karl W., "Nation und Welt", in Winkler, Heinrich August (ed.) *Nationalismus*. Königstein: Verlagsgruppe Athenäum, Hain, Scriptor, Hanstein, 1978, pp. 49-66.

de Vries, Lotje, "Négocier l'autorité. Les micro-pratiques étatiques à la frontière du Sud-Soudan et de la République démocratique du Congo", *Politique Africaine*, No. 122, June 2011, pp. 41-58.

Diamond, Larry, "Class Formation in the Swollen African State", *Journal of Modern African Studies*, Vol. 25, No. 4, 1987, pp. 567-596.

Diamond, Larry, "Introduction: Roots of Failure, Seeds of Hope", in Diamond, Larry; Linz, Juan J. and Lipset, Seymour Martin (eds.) *Democracy in developing countries. Vol. 2: Africa*. Boulder, CO: Rienner, 1988, pp. 1-32.

Ding, Shannon and Tosun, Elise. "Little Pushes" for Agricultural Development in Greater Equatoria, Republic of South Sudan. Submitted in fulfillment of the requirements of the degree of Master of Public Administration in International Development, John F. Kennedy School of Government, Harvard University, 12 March 2012.

Dobbins, James. *The Beginner's Guide to Nation-building*. Santa Monica: RAND National Security Research Division, 2007.

Doornbos, Martin, "Researching African Statehood Dynamics: Negotiability and its Limits", *Development and Change*, Vol. 41, No. 4, 2010, pp. 747-769.

Doquet, Anne, "Décentralisation et reformulation des traditions en pays dogon", in Fay, Claude; Kone, Yaouaga Félix and Quiminal, Catherine (eds.) *Décentralisation et pouvoirs en Afrique. En contrepoint, modèles territoriaux français*. Paris: IRD Éditions, 2006, pp. 303-319.

Dorman, Sara; Hammett, Daniel and Nugent, Paul, "Introduction: citizenship and causalities in Africa", in Dorman, Sara; Hammett, Daniel and Nugent, Paul (eds.) *Making Nations, Creating Strangers. States and Citizenship in Africa*. Leiden: Brill, 2007, pp. 3–26.

- Dorman, Sara Rich, "Post-Liberation Politics in Africa: Examining the Political Legacy of Struggle", *Third World Quarterly*, Vol. 27, No. 6, 2006, pp. 1085-1101.
- Dos Santos, Theotonio, "The Structure of Dependence", *American Economic Review*, Vol. 60, No. 2, May 1970, pp. 231-236.
- Downie, Richard. *Building Police Institutions in Fragile States: Case studies from Africa*. Washington: Center for Strategic & International Studies, January 2013.
- Downie, Richard. *The State of Public Health in South Sudan: Critical Condition*. Washington: Center for Strategic & International Studies Global Health Policy Center, November 2012.
- Doyle, Michael. *Empires*. Ithaca: Cornell University Press, 1986.
- Duany, Wal. *Neither Palaces Nor Prisons: Constitutions of Order Among the Nuer*. Ph.D. dissertation, Indiana University, June 1992.
- Duara, Prasenjit, "Introduction: the decolonization of Asia and Africa in the twentieth century", in Duara, Prasenjit (ed.) *Decolonization. Perspectives from Now and Then*. London: Routledge, 2004, pp. 1-18.
- Duffield, Mark, "Autour d'un livre. *Development, Security and Unending War: Governing the World of Peoples*. La Réponse de Mark Duffield", *Politique Africaine*, No. 125, March 2012, pp. 228-232.
- Duffield, Mark; Young, Helen; Ryle, John and Henderson, Ian. *Sudan Emergency Operations Consortium (SEOC): A Review*. University of Birmingham, February 1995.
- Dumont, René. *L'Afrique noire est mal partie*. Paris: Éditions du Seuil, 1962.
- Dunn, Kevin C., "MadLib #32. The (Blank) African State: rethinking the sovereign state in international relations theory", in Dunn, Kevin C. and Shaw, Timothy M. (eds.) *Africa's Challenge to International Relations Theory*. Houndmills, New York: Palgrave, 2001, pp. 46-61.
- Dunn, Kevin C., "'Sons of the Soil' and Contemporary State Making: autochthony, uncertainty and political violence in Africa", *Third World Quarterly*, Vol. 30, No. 1, 2009, pp. 113-127.
- Eckert, Andreas, "Transatlantischer Sklavenhandel und Sklaverei in Westafrika", in Eckert, Andreas; Grau, Ingeborg and Sonderegger, Arno (eds.) *Afrika 1500-1900: Geschichte und Gesellschaft*. Wien: Promedia, 2010, pp. 72-88.
- Eckert, Andreas, "Spätkoloniale Herrschaft, Dekolonisation und internationale Ordnung. Einführende Bemerkungen", in Kruke, Anja (ed.) *Dekolonisation: Prozesse und Verflechtungen, 1945 - 1990*. Bonn: Dietz Nachf., 2008, pp. 3-20.
- Eckert, Andreas. *Kolonialismus*. Frankfurt am Main: Fischer Taschenbuch, 2006.
- Egemi, Omer A., "Land Tenure in Sudan: Challenges to Livelihood Security and Social Peace", in el-Tayeb, Galal el-Din (ed.) *Land Issues and Peace in Sudan*. Khartoum: Sudanese Environment Conservation Society, November 2006, pp. 29-40.
- Eggers, Dave. *What Is the What*. London: Penguin Books, 2006.
- Eisenstadt, Samuel N. *Traditional Patrimonialism and Modern Neopatrimonialism*. London and Beverly Hills: Sage Publications, 1973.
- Ekeh, Peter P., "Social Anthropology and Two Contrasting Uses of Tribalism in Africa", *Comparative Studies in Society and History*, Vol. 32, No. 4, 1990, pp. 660-700.

El-Affendi, Abdelwahab, "Discovering the South': Sudanese Dilemmas for Islam in Africa," *African Affairs*, Vol. 89, No. 356, July 1990, pp. 371-389.

Elaigwu, J. Isawa in collaboration with Mazrui, Ali, "Nation-building and changing political structures", in Mazrui, Ali (ed.) *General history of Africa. 8. Africa since 1935*. Oxford: Heinemann, 1993, pp. 435-467.

Elbadawi, Ibrahim; Milante, Gary and Pischedda, Costantino. *Referendum, Response and Consequences for Sudan: The Game between Juba and Khartoum*. Washington: The World Bank, Policy Research Working Paper No. 4684, July 2008.

El-Battahani, Atta. *Peace Without Unity: The Dilemma of Reconciling Divergent Perspectives in Post-Conflict Sudan*. Berlin: SWP Report No. 4, 2008.

El-Battahani, Atta, "Tunnel Vision or Kaleidoscope: Competing Concepts on Sudan Identity and National Integration", *African Journal of Conflict Resolution*, Vol. 7, No. 2, 2007, pp. 37-61.

Elischer, Sebastian. *Political Parties in Africa: Ethnicity and Party Formation*. Cambridge: Cambridge University Press, 2013.

El Shazli, Dalahel Din; Adam, Farah Hassan and Adam, Imadel Din Bashier. *Share The Land Or Part The Nation: The Pastoral Land Tenure System in Sudan*. Khartoum: UNDP, 2006.

Emerson, Rupert, "The Problem of Identity, Selfhood, and Image in the New Nations: The Situation in Africa", *Comparative Politics*, Vol. 1, No. 3, Apr. 1969, pp. 297-312.

Emmanuel, Nikolas G., "Democratization in Malawi: Responding to International and Domestic Pressures", *Journal of Asian and African Studies*, Vol. 12, No. 4, 2013, pp. 415-434.

Engel, Ulf and Olsen, Gorm Rye. *Authority, sovereignty and Africa's changing regimes of territorialisation*. Leipzig: Working Paper Series of the Graduate Centre Humanities and Social Sciences of the Research Academy Leipzig, No. 7, 2010.

Engel, Ulf and Mehler, Andreas, "'Under Construction': Governance in Africa's New Violent Social Spaces", in Engel, Ulf and Olsen, Gorm Rye (eds.) *The African Exception*. Aldershot: Ashgate, 2005, pp. 87-102.

Englebert, Pierre, "Incertitude, autonomie et parasitisme: les entités territoriales décentralisées et l'État en République démocratique du Congo", *Politique Africaine*, No. 125, March 2012, pp. 169-188.

Englebert, Pierre. *Africa: Unity, Sovereignty, and Sorrow*. Boulder, Co. and London: Lynne Rienner Publishers, 2009.

Englebert, Pierre, "The Contemporary African State: Neither African nor State", *Third World Quarterly*, Vol. 18, No. 4, Sep. 1997, pp. 767-775.

Epstein, Andrew I., "Dinka Youth and the Culture of Formal Schooling in Postconflict South Sudan", in Ensor, Marisa O. (ed.) *African Childhoods: Education, Development, Peacebuilding, and the Youngest Continent*. New York: Palgrave Macmillan, 2012, pp. 173-186.

Erdmann, Gero and Engel, Ulf. *Neopatrimonialism Revisited – Beyond a Catch All Concept*. Hamburg: German Institute of Global and Area Studies Working Paper, No. 16, February 2006.

Eriksen, Stein Sundstøl, "The theory of failure and the failure of theory: 'state failure', the idea of the state and the practice of state building", in Harpviken, Kristian Berg (ed.) *Troubled Regions and*

Failing States: The Clustering and Contagion of Armed Conflicts. Bingley: Emerald Group, 2010, pp. 27-50.

Eriksen, Thomas Hylland, "A Non-ethnic State for Africa?", in Yeros, Paris (ed.) *Ethnicity and Nationalism in Africa: Constructivist Reflections and Contemporary Politics*. Basingstoke: Macmillan, 1999, pp. 45-64.

Eriksen, Thomas Hylland, "Nationalism, Mauritian Style: Cultural Unity and Ethnic Diversity", *Comparative Studies in Society and History*, Vol. 36, No. 3, 1994, pp. 549-574.

Estel, Bernd. *Nation und nationale Identität. Versuch einer Rekonstruktion*. Wiesbaden: Westdeutscher Verlag, 2002.

Esty, Daniel C.; Goldstone, Jack A.; Gurr, Ted Robert; Surko, Pamela T. and Unger, Alan N. *Working Papers: State Failure Task Force Report*. McLean, VA: Science Applications International Corporation, 30 November 1995.

Etzo, Sebastiania and Collender, Guy, "The Mobile Phone 'Revolution' in Africa: Rhetoric or Reality?", *African Affairs*, Vol. 109, No. 437, 2010, pp. 659-668.

Eulenberger, Immo, "Pastoralists, Conflicts, and Politics: Aspects of South Sudan's Kenyan Frontier", in Vaughan, Christopher; Schomerus, Mareike and de Vries, Lotje (eds.) *The Borderlands of South Sudan: Authority and Identity in Contemporary and Historical Perspectives*. New York: Palgrave Macmillan, 2013, pp. 67-88.

European Coalition on Oil in Sudan. *Unpaid Debt: The Legacy of Lundin, Petronas and OMV in Sudan, 1997-2003*. Utrecht, June 2010.

European Coalition on Oil in Sudan. *Oil Development in northern Upper Nile, Sudan*. May 2006.

European Union Election Observation Mission. *Final Report: South Sudan Referendum, 9-15 January 2011*. 2011.

Evans-Pritchard, Edward Evan. *The Nuer: a description of the Modes of Livelihood and political institutions of a Nilotic people*. New York: Oxford University Press, 1969.

Evans-Pritchard, Edward Evan, "The Zande State", *The Journal of the Royal Anthropological Institute of Great Britain and Ireland*, Vol. 93, No. 1, Jan. - Jun. 1963, pp. 134-154.

Fadlalla, Mohamed. *Customary Law in Southern Sudan: Customary Laws of Dinka and Nuer*. Bloomington, IN: iUniverse, 2009.

Fanon, Frantz. *The Wretched of the Earth*. New York: Grove Press, 2004 [1961].

Fatton, Robert Jr. *Predatory rule: State and Civil Society in Africa*. Boulder: Lynne Rienner, 1992.

Fatton, Robert Jr., "Liberal Democracy in Africa", *Political Science Quarterly*, Vol. 105, No. 3, Autumn 1990, pp. 455-473.

Fatton, Robert Jr., "The State of African Studies and Studies of the African State: The Theoretical Softness of the 'Soft State'", *Journal of Asian and African Studies*, Vol. 24, Nos. 3-4, 1989, pp. 170-187.

Fay, Claude, "Introduction – Réformes administratives et logiques politiques, ancrages locaux et transnationaux", in Fay, Claude; Kone, Yaouaga Félix and Quiminal, Catherine (eds.) *Décentralisation*

et pouvoirs en Afrique. En contrepoint, modèles territoriaux français. Paris: IRD Éditions, 2006, pp. 13-36.

Fegley, Randall. *Beyond Khartoum: A History of Subnational Government in Sudan*. Trenton, NJ: The Red Sea Press, 2011.

Featherstone, Mike, "Global culture: an introduction", in Featherstone, Mike (ed.) *Global Culture: nationalism, globalization and modernity*. London and Newbury Park, CA: Sage Publications, 1996, pp. 1-14.

Feiden, Peter; Arou, Mom and Arteaga, Jaime. *Sudan Local Governance Assessment: South Sudan and in the Three Areas*. USAID, July 2009.

Ferguson, James and Gupta, Akhil, "Spatializing states: toward an ethnography of neoliberal governmentality", *American Ethnologist*, Vol. 29, No. 4, 2002, pp. 981-1002.

Ferguson, Niall. *Empire: the rise and demise of the British world order and the lessons for global power*. New York: Basic Books, 2004.

Ferrie, Jared. *Community Perspectives on the Lou Nuer/Murle conflict in South Sudan*. London: Boma Development Report & Minority Rights Group International, 2011.

Feyissa, Dereje, "Alternative Citizenship: The Nuer between Ethiopia and the Sudan", in Vaughan, Christopher; Schomerus, Mareike and de Vries, Lotje (eds.) *The Borderlands of South Sudan: Authority and Identity in Contemporary and Historical Perspectives*. New York: Palgrave Macmillan, 2013, pp. 109-131.

Flint, Julie and de Waal, Alex. *Darfur: a Short History of a Long War*. London: Zed Books, 2005.

Flint, Lawrence, "The Post-colonial African State: Issues of Citizenship and Subjectivity", in Senghor, Jeggan C. and Poku, Nana K. (eds.) *Towards Africa's Renewal*. Aldershot: Ashgate, 2007, pp. 35-62.

Foltz, William J., "Political Boundaries and Political Competition in Tropical Africa", in Rokkan, Stein and Eisenstadt, Shmuel Noah (eds.) *Building States and Nations*. Beverly Hills, California: Sage, 1973, pp. 357-383.

Fonchingong, Tangie Nsoh, "The State and Development in Africa", *African Journal of International Affairs*, Vol. 8, Nos. 1&2, 2005, pp. 1-21.

Forest, James J.F. and Crispin, Rebecca, "AFRICOM: Troubled Infancy, Promising Future", *Contemporary Security Policy*, Vol. 30, No. 1, 2009, pp. 5-27.

Forojalla, Sibrino Barnaba and Galla, Kennedy Crispo, "Scoping Paper", in USAID. *Land tenure issues in Southern Sudan: Key findings and recommendations for Southern Sudan land policy*. December 2010, pp. A1-A25.

Forrest, Joshua Bernard, "State Inversion and Nonstate Politics", in Villalón, Leonardo Alfonso and Huxtable, Phillip A. (eds.) *The African state at a critical juncture: between disintegration and reconfiguration*. Boulder, CO: Lynne Rienner, 1998, pp. 45-56.

Förster, Stig; Mommsen, Wolfgang J. and Robinson, Ronald. *Bismarck, Europe and Africa: The Berlin Africa Conference 1884-1885 and the Onset of Partition*. Oxford: Oxford University Press for the German Historical Institute, 1988.

Fortes, Meyer and Evans-Pritchard, Edward Evan, "Introduction", in Fortes, Meyer and Evans-Pritchard, Edward Evan (eds.) *African Political Systems*. London: Oxford University Press, 1940, pp. 1-23.

Fourchard, Laurent, "Between World History and State Formation: New Perspectives on Africa's Cities", *The Journal of African History*, Vol. 52, No. 2, July 2011, pp. 223-248.

Fox, Sarah and Manu, Alex. *Health Care Financing in South Sudan*. Oxford Policy Management, January 2012.

Frahm, Ole. *Does Nationbuilding matter for State-building in South Sudan?* Paper presented at the Sudanese Studies Association 33rd Annual Conference in San Francisco, May 2014.

Frahm, Ole. *Nation verzweifelt gesucht: Staats- und Nationenbildung im Südsudan*. Speech at the Institute for Anthropology and African Studies, University of Mainz, May 2014.

Frahm, Ole. *Deterritorialisation and reconfigured sovereignty in South Sudan*. Paper presented at the 56th Annual Meeting of the African Studies Association, Baltimore, November 2013.

Frahm, Ole. *Land and belonging in emerging South Sudan*. Paper presented at the Nile Basin Conference 'Authority, territory, community: dynamics of water, land tenure regimes, and state formation in Africa', Entebbe (Uganda), October 2013.

Frahm, Ole. *Making Borders and Identities in South Sudan*. Paper presented at the 5th European Conference on African Studies, Lisbon, June 2013.

Frahm, Ole. *South Sudan – an outlier in post-colonial African nation-building?* Paper presented at the conference 'Empires and Nations from the 18th to the 20th century, Rome, June 2013.

Frahm, Ole. *Nationbuilding in Nascent South Sudan – How to Remember the War*. Paper presented at the Euroacademia Conference 'Identities and Identifications: Politicized Uses of Collective Identities, Zagreb, April 2013.

Frahm, Ole, "Defining the Nation: National Identity in South Sudanese Media Discourse", *Africa Spectrum*, Vol. 47, No. 1, 2012, pp. 21-49.

Freund, Bill. *The making of contemporary Africa: the development of African society since 1800*. 2nd edition. Boulder, Colo.: Rienner, 1998.

Frimpong-Ansah, Jonathan H. *The vampire state in Africa: the political economy of decline in Ghana*. London: Currey, 1991.

Frontier Economics. *The cost of future conflict in Sudan*. London, 2010.

Fukuyama, Francis. *Nation-building: beyond Afghanistan and Iraq*. Baltimore: Johns Hopkins University Press, 2006.

Fukuyama, Francis. *State-building: Governance and World Order in the 21st Century*. Ithaca, N.Y.: Cornell University Press, 2004.

Fukuyama, Francis, "The End of History?", *The National Interest*, Vol. 16, Summer 1989, pp. 3-18.

Gabrielsen Jumbert, Maria and Rolandsen, Øystein H. *After the split: post-secession negotiations between South Sudan and Sudan*. Oslo: NOREF report, December 2013.

Gabrielsen, Maria M., "La sécurité humaine et l'internationalisation des conflits intra-étatiques: le cas du conflit au Sud-Soudan", *Revue de la sécurité humaine*, No. 3, Feb. 2007, pp. 29-42.

Gach, Chieng Gatkuoth. *A report on socio-economic survey for Geng Geng & Abang payams, Yirol West County*. Norwegian People's Aid, Coremap Project, Sep.-Dec. 2010.

Gachie, John with assistance from Mogga, Richard and Maika, Mac. *Mapping the Void: A state-by-state media assessment report on South Sudan and selected Northern states*. Nairobi: The Consortium on Promoting Freedom of Expression and Civil Society Involvement in Developing of Democratic Media Legislation in Sudan, August 2009.

Gallais, Jean, "Poles d'État et frontières en Afrique contemporaine", *Les Cahiers d'Outre-Mer*, No. 38, 1982, pp. 114-121.

Garang, John. *SPLM Chairman's Address to Signing Ceremony of the Sudan Comprehensive Peace Agreement*. Nairobi, 9 January 2005.

Garang, John. *The call for democracy in Sudan*. London: Kegan Paul International, 1992.

Garfield, Richard. *Violence and Victimization after Civilian Disarmament: The Case of Jonglei*. Geneva: Small Arms Survey, December 2007.

Garms, Ulrich, "Promoting Human Rights in the Administration of Justice in Southern Sudan. Mandate and Accountability Dilemmas in the Field Work of a DPKO Human Rights Officer", *International Organizations Law Review*, Vol. 6, No. 2, 2009, pp. 581-600.

Gebre selassie, Zebru. *Non-oil Revenue Study: Southern Sudan*. Study for the Ministry of Finance and Economic Planning of the Government of Southern Sudan, October 2009.

Geertz, Clifford, "The integrative revolution", in Geertz, Clifford (ed.) *Old Societies and New States*. New York: Free Press, 1963, pp. 108-13.

Geiss, Immanuel. *Panafrikanismus: zur Geschichte der Dekolonisation*. Frankfurt am Main: Europäische Verlags-Anstalt, 1968.

Gellar, Sheldon. *Democracy in Senegal: Tocquevillian Analytics in Africa*. New York: Palgrave Macmillan, 2005.

Gellner, Ernest. *Nations and nationalism*. Ithaca: Cornell University Press, 1983.

Gennaioli, Nicola and Rainer, Ilia, "The modern impact of precolonial centralization in Africa", *Journal of Economic Growth*, Vol. 12, No. 3, 2007, pp. 185-234.

Geschiere, Peter. *The Perils of Belonging: Autochthony, Citizenship, and Exclusion in Africa and Europe*. Chicago and London: University of Chicago Press, 2009.

Gibson, James L., "Truth, Justice, and Reconciliation: Judging the Fairness of Amnesty in South Africa", *American Journal of Political Science*, Vol. 46, No. 3, July 2002, pp. 540-556.

Giddens, Anthony. *A contemporary critique of historical materialism. 2. The nation-state and violence*. Basingstoke: Macmillan, 1985.

Ginzburg, Carlo, "Microhistory: Two or Three Things That I Know about It", *Critical Inquiry*, Vol. 20, No. 1, Autumn 1993, pp. 10-35.

Glaser, Daryl. *Politics and Society in South Africa*. London et al.: SAGE Publications, 2001.

Gleichen, Edward (ed.) *The Anglo-Egyptian Sudan: a compendium prepared by officers of the Sudan government. Vol. 1*. London: Harrison and Sons, 1905.

Global Witness. *Blueprint for Prosperity: How South Sudan's new laws hold the key to a transparent and accountable oil sector*. London, 29 November 2012.

Global Witness. *Fuelling Mistrust: The Need for Transparency in Sudan's Oil Industry*. London, September 2009.

Godwin, Colin Robert and Chol, Saphano Riak, "'God gave this land to us': A Biblical Perspective on the Tension in South Sudan between Tribal Lands, Ethnic Identity and the Breadth of Christian Salvation", *Mission Studies*, Vol. 30, No. 2, 2013, pp. 208-219.

Göhler, Gerhard, "Die Herausbildung der modernen bürgerlichen Gesellschaft. Einführung", in Göhler, Gerhard; Lenk, Kurt; Münkler, Herfried and Walther, Manfred (eds.) *Politische Institutionen im gesellschaftlichen Umbruch: ideengeschichtliche Beiträge zur Theorie politischer Institutionen*. Opladen: Westdeutscher Verlag, 1990, pp. 237-245.

Goldstone, Jack A., Gurr, Ted Robert; Harff, Barbara; Levy, Marc A.; Marshall, Monty G.; Bates, Robert H.; Epstein, David L.; Kahl, Colin H.; Surko, Pamela T.; Ulfelder, John C. and Unger, Alan N. in consultation with Christenson, Matthew; Dabelko, Geoffrey D.; Esty, Daniel C. and Parris, Thomas M. *State Failure Task Force Report: Phase III Findings*. McLean, VA: Science Applications International Corporation, 30 September 2000.

Goodbody, Swithun; Pound, Jonathan and Bonifacio, Rogerio. *FAO/WFP Crop and Food Security Assessment Mission to South Sudan*. Rome, 8 February 2012.

Gore, Paul Wani, "The Oil and Its Influence on the Demographic, Economic and Commercial Processes: The Case of Northern Upper Nile in Southern Sudan", in Wohlmuth, Karl and Urban, Tino (eds.) *Reconstructing Economic Governance after Conflict in Resource-rich African Countries*. Berlin: Lit Verlag, 2007, pp. 171-180.

Government of Southern Sudan. *Education Statistics for Southern Sudan 2010*. Juba: Ministry of Education, 22 February 2011.

Government of Southern Sudan. *GOSS Growth Strategy 2010-2012*. Juba, January 2010.

Government of Southern Sudan and UNICEF. *Socio-economic and cultural barriers to schooling in Southern Sudan*. Juba, November 2008.

Government of Southern Sudan. *The Interim Constitution of Southern Sudan*. 2005.

Government of the Republic of South Sudan. *South Sudan Development Plan 2011-2013: Realising freedom, equality, justice, peace and prosperity for all*. Juba, August 2011.

Grabska, Katarzyna, "Marrying on credit: the burden of bridewealth on refugee youth", *Forced Migration Review*, No. 40, August 2012, pp. 7-8.

Gramizzi, Claudio. *At an Impasse: The Conflict in Blue Nile*. Geneva: Small Arms Survey, December 2013.

Grandin, Nicole, "Sud-Soudan: une élite dans l'impasse", *Cahiers d'études africaines*, Vol. 13, No. 49, 1973, pp. 158-162.

Grawert, Elke and Andrä, Christine. *Oil Investment and Conflict in Upper Nile State, South Sudan*. Bonn International Centre for Conversion (BICC) brief No. 48, May 2013.

Grawert, Elke, "The Aid Business in South Sudan after the Comprehensive Peace Agreement", in Bass, Hans-Heinrich; Knedlik, Tobias; Meyn, Mareike and Wiegand-Kottisch, Maren (eds.) *Economic Systems in a Changing World Economy*. Berlin: LIT, 2007, pp. 387-402.

Gray, Richard, "'Khalai-Khalai': People's History in Mozambique", *History Workshop Journal*, No. 14, 1982, pp. 143-152.

Gray, Richard, "Some Aspects of Islam in the Southern Sudan during the Turkiya", in Brett, Michael (ed.) *Northern Africa: Islam and Modernization*. London: Frank Cass, 1973, pp. 65-72.

Gray, Richard, "The Southern Sudan", *Journal of Contemporary History*, Vol. 6, No. 1, 1971, pp. 108-120.

Guarcello, Lorenzo; Lyon, Scott and Rosati, Furio C. *Labour market in South Sudan*. Rome: Understanding Children's Work Programme Working Paper Series, December 2011.

Guarak, Mawut Achiecque Mach. *Integration and Fragmentation of the Sudan: An African Renaissance*. Bloomington, IN: AuthorHouse, 2011.

Guéhenno, Jean Marie. *The end of the nationstate. La fin de la démocratie*. Minneapolis: University of Minneapolis Press, 1995.

Guibernau, Montserrat. *Nationalisms: the nation-state and nationalism in the twentieth century*. Cambridge: Polity Press, 1996.

Gunnarsen, Liv Inken and Søndergaard, Tine. *NGOs and Fragile States – An analysis on how Danish NGOs have adopted the international agenda on Fragile States and the role they play in South Sudan in relation to this agenda*. Dissertation, International Development Studies, University of Roskilde, Spring 2010.

Gupta, Akhil, "Blurred Boundaries: The Discourse of Corruption, the Culture of Politics and the Imagined State", *American Ethnologist*, Vol. 22, No. 2, 1995, pp. 375-402.

Gustafson, Marc. *Electoral Designs: Proportionality, representation, and constituency boundaries in Sudan's 2010 elections*. London & Nairobi: Rift Valley Institute, 2010.

Haber, Stephen and Menaldo, Victor, "Do Natural Resources Fuel Authoritarianism? A Reappraisal of the Resource Curse", *American Political Science Review*, Vol. 105, No. 1, 2011, pp. 1-26.

Häberle, Peter. *Nationalflaggen: Bürgerdemokratische Identitätselemente und international Erkennungssymbole*. Berlin: Duncker & Humblot, 2008.

Häberle, Peter. *Nationalhymnen als kulturelle Identitätselemente des Verfassungsstaates*. Berlin: Duncker & Humblot, 2007.

Hagmann, Tobias and Péclard, Didier, "Negotiating Statehood: Dynamics of Power and Domination in Africa", *Development and Change*, Vol. 41, No. 4, 2010, pp. 539-562.

Hale, Sondra, "And Then There Were Two: What Is 'Sudan' Now?", *International Journal of Middle East Studies*, Vol. 44, No. 2, 2012, pp. 321-323.

Hamid, Mohammad Beshir, "Confrontation and Reconciliation within an African Context: The Case of Sudan", *Third World Quarterly*, Vol. 5, No. 2, Africa: Tensions and Contentions, April 1983, pp. 320-329.

Hansen, Thomas Blom and Stepputat, Finn, "Introduction: States of Imagination", in Hansen, Thomas Blom and Stepputat, Finn (eds.) *States of Imagination: Ethnographic explorations of the postcolonial state*. Durham, NC: Duke University Press, 2001, pp. 1-38.

Harbeson, John W., "Africa in World Politics: Amid Renewal, Deepening Crisis", in Harbeson, John W. and Rothchild, Donald (eds.) *Africa in world politics: post cold war challenges*. Boulder: Westview Press, 1995, pp. 3-20.

Hargreaves, John D., "The Making of the Boundaries: Focus on West Africa", in Asiwaju, A. I. (ed.) *Partitioned Africans*. London: Hurst, 1985, pp. 19-27.

Harragin, Simon, "Relief and an Understanding of Local Knowledge: The Case of Southern Sudan", in Rao, Vijayendra and Walton, Michael (eds.) *Culture and Public Action*. Stanford: Stanford University Press, 2004, pp. 307-327.

Harris, Erika. *Nationalism: Theories and Cases*. Edinburgh: Edinburgh University Press, 2009.

Hasan, Yusuf Fadl. *The Arabs and the Sudan*. Edinburgh: Edinburgh University Press, 1967.

Haslie, Anita and Borchgrevink, Axel. *International Engagement in Sudan after the CPA: Report on the piloting of OECD/DAC's 'Principles for Good International Engagement in Fragile States' for the Case of Sudan*. Oslo: Norwegian Institute of International Affairs, Report No. 714, January 2007.

Hauck, Gerhard. *Gesellschaft und Staat in Afrika*. Frankfurt am Main: Brandes & Apsel, 2001.

Havik, Philip J., "Virtual Nations and Failed States: Making Sense of the Labyrinth", in Morier-Genoud, Eric (ed.) *Sure Road? Nationalisms in Angola, Guinea-Bissau and Mozambique*. Leiden and Boston: Brill, 2012, pp. 31-76.

Healy, Sally, "Seeking peace and security in the Horn of Africa: the contribution of the Inter-Governmental Authority on Development", *International Affairs*, Vol. 87, No. 1, 2011, pp. 105–120.

Hemmer, Jort. *South Sudan's emergency state*. NOREF Report, September 2012.

Hemmer, Jort. *Southern Sudan: the new kid on the block? Assessing the neighbourhood on the threshold of Southern Sudan's self-determination referendum*. The Hague: Clingendael Conflict Research Unit Policy Brief, Vol. 14, March 2010.

Henderson, Kenneth D. *Set under authority: being a portrait of the life of the British District Officer in the Sudan under the Anglo-Egyptian Condominium, 1898 – 1955*. Somerset: Castle Cary Press, 1987.

Henderson, Kenneth D. *Sudan Republic*. London: Benn, 1965.

Heraclides, Alexis, "Janus or Sisyphus? The Southern Problem of the Sudan", *The Journal of Modern African Studies*, Vol. 25, No. 2, June 1987, pp. 213-231.

Herberg, Mirko. *Wahlen – wozu eigentlich? Die Fassadendemokratien Zentralafrikas zwischen Regression, Stagnation und zaghaftem Aufblühen*. Berlin: Friedrich-Ebert-Stiftung, March 2012.

Herbst, Jeffrey. *States and power in Africa: comparative lessons in authority and control*. Princeton: Princeton University Press, 2000.

Herbst, Jeffrey, "War and the State in Africa", *International Security*, Vol. 14, No. 4, Spring 1990, pp. 117-139.

Herder, Johann Gottfried von. *Ideen zur Philosophie der Geschichte der Menschheit. Mit einer Einleitung von Heinrich Luden. Band 1*. 2nd edition. Leipzig: Johann Friedrich Hartknoch, 1821 [1784].

- Hibou, Béatrice, "Retrait ou redéploiement de l'État?", *Critique internationale*, No. 1, 1998, pp. 151-168.
- Hill, Jonathan, "Beyond the Other? A postcolonial critique of the failed state thesis", *African Identities*, Vol. 3, No. 2, 2005, pp. 139-154.
- Hillbom, Ellen, "Botswana: A Development-Oriented Gate-Keeping state – A Reply to Ian Taylor", *African Affairs*, Vol. 111, No. 444, 2012, pp. 477-482.
- Hinz, Manfred O., "A New Sudan: Precondition of peace at the Horn of Africa?", *Namibia Law Journal*, Vol. 2, No. 2, July 2010, pp. 135-145.
- Hippler, Jochen (ed.) *Nation-Building: ein Schlüsselkonzept für friedliche Konfliktbearbeitung?*. Bonn: Dietz, 2004.
- Hirschi, Caspar. *The Origins of Nationalism: An Alternative History from Ancient Rome to Early Modern Germany*. New York: Cambridge University Press, 2012.
- Hobbes, Thomas (edited by Richard Tuck). *Leviathan*. Cambridge: Cambridge University Press, 1999 [1651].
- Hobsbawm, Eric J. *Nations and Nationalism since 1780. Programme, Myth, Reality. 2nd edition*. Cambridge: Cambridge University Press, 1992.
- Hobsbawm, Eric J., "Introduction: Inventing Traditions" in Hobsbawm, Eric J. and Ranger, Terence (eds.) *The Invention of Tradition*. Cambridge: Cambridge University Press, 1983, pp. 1-14.
- Hobson, John Atkinson. *Imperialism: a Study*. New York: Cosimo, 2005 [1902].
- Hodgkin, Thomas. *Nationalism in colonial Africa*. New York: University Press, 1963.
- Hoehne, Markus, "L'État de facto du Somaliland", *Politique Africaine*, No. 120, December 2010, pp. 175-200.
- Hoehne, Markus. *Traditional Authorities and Local Government in Southern Sudan*. Consultancy Report, November 2008.
- Holsti, Kalevi J. *The state, war, and the state of war*. Cambridge: Cambridge University Press, 1996.
- Hopf, Christel, "Qualitative Interviews in der Sozialforschung. Ein Überblick", in Flick, Uwe; von Kardorff, Ernst; Keupp, Heiner; von Rosenstiel, Lutz and Wolff, Stephan (eds.) *Handbuch Qualitative Sozialforschung: Grundlagen, Konzepte, Methoden und Anwendungen. 2nd edition*. Weinheim: Beltz Psychologie Verlags Union, 1995, pp. 177-182.
- Hopkins, A. G., "Quasi-states, weak states and the partition of Africa", *Review of International Studies*, Vol. 26, No. 2, 2000, pp. 311–320.
- Horowitz, Donald. *Ethnic groups in conflict*. Berkeley: University of California Press, 1985.
- Horton, Robin, "Stateless societies in the history of West Africa", in Ajayi, J.F.A. and Crowder, Michael (eds.) *History of West Africa. Vol. 1*. London: Longman, 1976, pp. 72-113.
- Houngnikpo, Mathurin C. *L'Illusion démocratique en Afrique*, Paris: Éditions l'Harmattan, 2004.
- House of Commons, International Development Committee. *South Sudan: Prospects for Peace and Development*. Fifteenth Report of Session 2010-12. No date.

Hovil, Lucy. *Conflict in South Sudan: Refugees seek protection in Uganda and a way home*. New York & Kampala: International Refugee Rights Initiative, April 2014.

Hovil, Lucy, "Hoping for peace, afraid of war: the dilemmas of repatriation and belonging on the borders of Uganda and South Sudan", *New Issues in Refugee Research*, Research Paper No. 196, November 2010.

Howell, John F., "Horn of Africa: Lessons from the Sudan Conflict", *International Affairs*, Vol. 54, No. 3, July 1978, pp. 421-436.

Hroch, Miroslav, "From National Movement to the Fully-Formed Nation", *New Left Review*, No. 198, 1993, pp. 3-20.

Huliaras, Asteris, "The Evangelical Roots of US Africa Policy", *Survival*, Vol. 50, No. 6, 2008, pp. 161-182.

Human Rights Watch. *Under Siege: Indiscriminate Bombing and Abuses in Sudan's Southern Kordofan and Blue Nile States*. December 2012.

Human Rights Watch. *'Prison Is Not For Me': Arbitrary Detention in South Sudan*. June 2012.

Human Rights Watch. *The Way Forward: Ending Human Rights Abuses and Repression across Sudan*. October 2009.

Human Rights Watch. *Selling Justice Short: Why Accountability Matters for Peace*. July 2009.

Human Rights Watch. *No One to Intervene: Gaps in Civilian Protection in Southern Sudan*. June 2009.

Human Rights Watch. *'It's an everyday battle': Censorship and Harassment of Journalists and Human Rights Defenders in Sudan*. February 2009.

Human Rights Watch. *Abandoning Abyei: Destruction and Displacement, May 2008*. July 2008.

Human Rights Watch. *Sudan, Oil and Human Rights*. 2003.

Human Security Baseline Assessment for Sudan and South Sudan. *The SPLM-in-Opposition*. Geneva: Small Arms Survey, May 2014.

Human Security Baseline Assessment for Sudan and South Sudan. *The Safe Demilitarized Border Zone*. Geneva: Small Arms Survey, 18 March 2014.

Human Security Baseline Assessment for Sudan and South Sudan. *SPLM/A-Shilluk Conflict in Upper Nile*. Geneva: Small Arms Survey, April 2011.

Huntington, Samuel P. *The third wave of democratization in the late twentieth century*. Norman: University of Oklahoma Press, 1991.

Hutchinson, Sharon E., "Peace and Puzzlement: Grass-roots Peace Initiatives between the Nuer and Dinka of South Sudan", in Schlee, Günther and Watson, Elizabeth E. (eds.) *Changing identifications and alliances in North-East Africa. 2. Sudan, Uganda and the Ethiopia-Sudan borderlands*. New York: Berghahn Books, 2009, pp. 49-71.

Hutchinson, Sharon E., "A Curse from God? Religious and Political Dimensions of the Post-1991 Rise of Ethnic Violence in South Sudan", *The Journal of Modern African Studies*, Vol. 39, No. 2, June 2001, pp. 307-331.

- Hutchinson, Sharon E. and Jok, Jok Madut, "Gendered Violence and the Militarisation of Ethnicity: A Case Study from South Sudan", in Werbner, Richard P. (ed.) *Postcolonial subjectivities in Africa*. London: Zed Books, 2002, pp. 84-107.
- Hyden, Göran, "Introduction: The African State in a Changing Global Context", in Tarrósy, István; Szabó, Loránd and Hyden, Göran (eds.) *The African state in a changing global context: breakdowns and transformations*. Münster: LIT Verlag, 2011, pp. 7-15.
- Hyden, Göran. *African politics in comparative perspective*. Cambridge: Cambridge University Press, 2006.
- Ibrahim, Abdullahi A., "Sudan Nationalism or Sudan Nationalisms?", *Respect, Sudanese Journal for Human Rights' Culture and Issues of Cultural Diversity*, No. 11, November 2009.
- Ibrahim, Hassan Ahmed, "The Strategy, Responses and Legacy of the First Imperialist Era in the Sudan 1820-1885", *The Muslim World*, Vol. 91, Nos. 1-2, 2001, pp. 209-228.
- Ibrahim, Jibrin, "The Weakness of 'Strong States': The Case of Niger Republic", in Olukoshi, Adebayo and Laakso, Liisa (eds.) *Challenges to the Nation-state in Africa*. Uppsala: Nordiska Afrikainstitutet, 1996, pp. 50-73.
- Idris, Amir H., "Rethinking Identity, Citizenship, and Violence in Sudan", *International Journal of Middle East Studies*, Vol. 44, No. 2, 2012, pp. 324-326.
- Idris, Amir H. *Conflict and Politics of Identity in Sudan*. New York: Palgrave Macmillan, 2005.
- Igga, Wani. *Southern Sudan: Battles Fought and the Secrecy of Diplomacy*. Kampala: Roberts & Brothers General Printers, 2008.
- Igreja, Victor, "Politics of Memory, Decentralisation and Recentralisation in Mozambique", *Journal of Southern African Studies*, Vol. 39, No. 2, 2013, pp. 313-335.
- Igreja, Victor and Dias-Lambranca, Beatrice, "Restorative justice and the role of the magamba spirits in post-civil war Gorongosa, central Mozambique", in Huyse, Luc and Salter, Mark (eds.) *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences*. Stockholm: International IDEA, 2008, pp. 61-83.
- Igue, Oguniola John. *Le territoire de l'Etat en Afrique: Les dimensions spatiales du développement*. Paris: Karthala, 1995.
- Ihonvbere, Julius O. *Africa and the New World Order*. New York: Peter Lang Publishing, 2000.
- Ikelegbe, Austine, "The construction of a Leviathan: State building, identity formation and political stability in Nigeria", in Fawole, W. Alade and Ukeje, Charles (eds.) *The Crisis of the State and Regionalism in West Africa*. Dakar: Codesria, 2005, pp. 71-92.
- Iliffe, John. *Geschichte Afrikas*. München: Beck, 1997.
- Iliffe, John. *A modern history of Tanganyika*. Cambridge: Cambridge University Press, 1979.
- Impey, Angela, "Keeping in Touch via Cassette: Tracing Dinka Songs from Cattle Camp to Transnational Audio-Letter", *Journal of African Cultural Studies*, Vol. 25, No. 2, 2013, pp. 197-210.
- Internal Displacement Monitoring Centre. *South Sudan: New displacement adds to critical humanitarian situation in the country since independence*. 26 June 2012.

Internal Displacement Monitoring Centre. *Rising inter-tribal violence in the south and renewed clashes in Darfur cause new waves of displacement*. 27 May 2010.

International Crisis Group. *South Sudan: A Civil War by Any Other Name*. Africa Report No. 217, 10 April 2014.

International Crisis Group. *Afrique centrale: les défis sécuritaires du pastoralisme*. Africa Report No. 215, 1 April 2014.

International Crisis Group. *Sudan's Spreading Conflict (III): The Limits of Darfur's Peace Process*. Africa Report No. 211, 27 January 2014.

International Crisis Group. *Sudan's Spreading Conflict (II): War in Blue Nile*. Africa Report No. 204, 18 June 2013.

International Crisis Group. *Sudan's Spreading Conflict (I): War in South Kordofan*. Africa Report No. 198, 14 February 2013.

International Crisis Group. *China's New Courtship in South Sudan*. Africa Report No. 186, 4 April 2012.

International Crisis Group. *Compounding Instability in Unity State*. Africa Report No. 179, 17 October 2011.

International Crisis Group. *Politics and Transition in the new South Sudan*. Africa Report No. 172, 4 April 2011.

International Crisis Group. *Sudan: Defining the North-South Border*. Africa Briefing No. 75, 2 September 2010.

International Crisis Group. *Sudan's Comprehensive Peace Agreement: The Long Road Ahead*. Africa Report No. 106, 31 March 2006.

International Dialogue on Peacebuilding and Statebuilding. *Synthesis Report: Key findings from country consultations in Burundi, Central African Republic, Democratic Republic of Congo, Liberia, Sierra Leone, South Sudan, and Timor-Leste*. Dili, Timor-Leste, 9-10 April 2010.

International Institute of Strategic Studies. *The Military Balance 2014*. London, February 2014.

International Organization for Migration. *Village Assessment Survey Report*. 2013.

International Organization for Migration. *IOM Border Management Newsletter: South Sudan*. March 2012.

International Republican Institute. *Survey of South Sudan Public Opinion*. 24 April to 22 May, 2013.

International Republican Institute. *Survey of Public Opinion: South Sudan's Greater Equatoria Region*. 21 May to 15 June, 2012.

International Republican Institute. *Survey of South Sudan Public Opinion*. 6-27 September, 2011.

Invisible Children and The Resolve. *LRA Crisis Tracker: 2012 Annual Security Brief*. Washington, DC, 2012.

Ivanov, Paola. *Vorkoloniale Geschichte und Expansion der Avungara-Azande: eine quellenkritische Untersuchung*. Studien zur Kulturkunde, 114, Köln: Köppe, 2000.

Ivaska, Andrew M., "'Anti-Mini Militants Meet Modern Misses': Urban Style, Gender and the Politics of 'National Culture' in 1960s Dar es Salaam, Tanzania", *Gender & History*, Vol. 14, No. 3, November 2002, pp. 584–607.

Iyob, Ruth, "The Foreign Policies of the Horn: The Clash Between the Old and the New", in Khadiagala, Gilbert and Lyons, Terrence (eds.) *African Foreign Policies: Power and Process*. Boulder: Rienner, 2001, pp. 107-129.

Jackson, Donna, "The Ogaden War and the Demise of Détente", *Annals of the American Academy of Political and Social Science*, Vol. 632, Perspectives on Africa and the World, November 2010, pp. 26-40.

Jackson, Lynette A., "Where are the Girls? War Displacement and the Notion of Home Among Sudanese Refugee Children", in Schrover, Marlou and Yeo, Eileen Janes (eds.) *Gender, Migration, and the Public Sphere, 1850-2005*. New York & Abingdon: Routledge, 2010, pp. 160-177.

Jackson, Robert H. *Quasi-States: Sovereignty, International Relations and the Third World*. Cambridge: Cambridge University Press, 1996.

Jackson, Robert H. and Rosberg, Carl G. "The Marginality of African States", in Carter, Gwendolyn and O'Meara, Patrick (eds.) *African Independence. The First 25 Years*. Bloomington: Indiana University Press, 1985, pp. 45-70.

Jackson, Robert H. and Rosberg, Carl G. "Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood", *World Politics*, Vol. 35, No. 1, Oct. 1982, pp. 1-24.

Jackson, Stephen, "Sons of Which Soil? The Language and Politics of Autochthony in Eastern D.R. Congo", *African Studies Review*, Vol. 49, No. 2, Sep. 2006, pp. 95-123.

Jacob, Jean-Pierre and Le Meur, Pierre-Yves, "Citoyenneté locale, foncier, appartenance et reconnaissance dans les sociétés du Sud", in Jacob, Jean-Pierre and Le Meur, Pierre-Yves (eds.) *Politique de la terre et de l'appartenance: Droits foncier et citoyenneté locale dans les sociétés du Sud*. Paris: Karthala, 2010, pp. 1-33.

Jal, Emmanuel with Davies, Megan Lloyd. *War child: A child soldier's story*. New York: St. Martin's Griffin, 2009.

James, Wendy, "Whatever Happened to the 'Safe Havens'? Imposing State Boundaries between the Sudanese Plains and the Ethiopian Highlands", in Vaughan, Christopher; Schomerus, Mareike and de Vries, Lotje (eds.) *The Borderlands of South Sudan: Authority and Identity in Contemporary and Historical Perspectives*. New York: Palgrave Macmillan, 2013, pp. 213-233.

Jansson, Per, "Identity-defining Practices in Thucydides': History of the Peloponnesian War", *European Journal of International Relations*, Vol. 3, No. 2, 1997, pp. 147-165.

Jendia, Catherine. *The Sudanese civil conflict: 1969 – 1985*. New York: Lang, 2002.

Jenkins, Paul, "Maputo and Luanda", in Bekker, Simon B. and Therborn, Göran (eds.) *Capital cities in Africa: power and powerlessness*. Cape Town: HSRC Press, 2012, pp. 142-166.

Jensen, Nathan and Wantchekon, Leonard, "Resource Wealth and Political Regimes in Africa", *Comparative Political Studies*, Vol. 37, No. 7, 2004, pp. 816-841.

Jiji, Beauty. *Report on the South Sudan Livelihoods and Economic Opportunities Mapping*. Republic of South Sudan Disarmament, Demobilization and Reintegration Commission and UNDP, South Sudan, March 2012.

Johnson, Douglas H., "The Heglig oil dispute between Sudan and South Sudan", *Journal of Eastern African Studies*, Vol. 6, No. 3, August 2012, pp. 561-569.

Johnson, Douglas H. *A New History for a New Nation: The Search for South Sudan's Usable Past*. Keynote address given at the 9th International South Sudan and Sudan Studies Conference Bonn, 23-25 July 2012.

Johnson, Douglas H. *Abyei: Sudan's West Bank*. Report for The Enough Project, April 2011.

Johnson, Douglas H. *The Root Causes of Sudan's Civil Wars: Peace or Truce*. Oxford: James Currey, 2011.

Johnson, Douglas H. *When Boundaries Become Borders: The impact of boundary-making in Southern Sudan's frontier zones*. London & Nairobi: Rift Valley Institute, 2010.

Johnson, Douglas H., "The Nuer Civil Wars", in Schlee, Günther and Watson, Elizabeth E. (eds.) *Changing identifications and alliances in North-East Africa. 2. Sudan, Uganda and the Ethiopia-Sudan borderlands*. New York: Berghahn Books, 2009, pp. 31-47.

Johnson, Douglas H., "The Sudan People's Liberation Army and the problem of factionalism", in Clapham, Christopher (ed.) *African Guerrillas*. Oxford: James Currey, 1998, pp. 53-72.

Johnson, Douglas H. "Prophecy and Mahdism in the Upper Nile: An Examination of Local Experiences of the Mahdiyya in the Southern Sudan", *British Journal of Middle Eastern Studies*, Vol. 20, No. 1, 1993, pp. 42-56.

Johnson, Douglas H., "Tribal Boundaries and Border Wars: Nuer-Dinka Relations in the Sobat and Zaraf Valleys, c. 1860-1976", *The Journal of African History*, Vol. 23, No. 2, 1982, pp. 183-203.

Johnson, Hilde. *Waging Peace in Sudan: the inside story of the negotiations that ended Africa's longest civil war*. Brighton: Sussex Academic Press, 2011.

Joint Assessment Mission (JAM) Sudan. *Volume 1: Framework for Sustained Peace, Development and Poverty Eradication*. March 18, 2005.

Jok, Aleu Akechak; Leitch, Robert A. and Vandewint, Carrie. *A Study of Customary Law in Contemporary Southern Sudan*. Report for World Vision International and The South Sudan Secretariat of Legal and Constitutional Affairs, March 2004.

Jok, Jok Madut and Mayai, Augustino Ting, "An Emerging Diplomatic Row between Uganda and South Sudan", *The Sudd Institute*, Policy Brief, 20 September 2013.

Jok, Jok Madut, "Insecurity and Ethnic Violence in South Sudan: Existential Threats to the State?", *The Sudd Institute*, Issues Paper No. 1, August 2012.

Jok, Jok Madut. *Diversity, Unity, and Nation Building in South Sudan*. Washington: United States Institute of Peace, Special Report No. 287, October 2011.

Jok, Kuel Maluil. *Conflict of National Identity in Sudan*. Academic Dissertation, Department of World Cultures, University of Helsinki, 2012.

- Joseph, Richard, "Progress and Retreat in Africa: Challenges of a 'Frontier' Region", *Journal of Democracy*, Vol. 19, No. 2, April 2008, pp. 94-108.
- Kabeer, Naila. *Reversed realities: gender hierarchies in development thought*. London: Verso, 1995.
- Kahl, Marius, "The Challenge of Managing State-owned Small Arms and Light Weapons in South Sudan", *BICC Feature*, No. 1, October 2011.
- Kaldor, Mary. *Neue und alte Kriege: Organisierte Gewalt im Zeitalter der Globalisierung*. Frankfurt am Main: Suhrkamp, 2000.
- Kalinga, Owen, "The Production of History in Malawi in the 1960s: The Legacy of Sir Harry Johnston, the Influence of The Society of Malawi and the Role of Dr Kamuzu Banda and his Malawi Congress Party", *African Affairs*, Vol. 97, No. 389, 1998, pp. 523-549.
- Kamwaria, Alex and Katola, Michael, "The Role of African Traditional Religion, Culture and World-View in the Context of Post-War Healing among the Dinka Community of Southern Sudan", *International Journal of Humanities and Social Science*, Vol. 2, No. 21, November 2012, pp. 49-55.
- Kant, Immanuel, "Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis: II. Vom Verhältnis der Theorie zur Praxis im Staatsrecht", in Kant, Immanuel. *Werke in zwölf Bänden. Band 11*. Frankfurt am Main: Suhrkamp, 1977, pp. 143-165.
- Kaplan, Robert D. *The coming anarchy shattering the dreams of the post Cold War*. New York: Random House, 2000.
- Kasfir, Nelson, "Southern Sudanese Politics since the Addis Ababa Agreement", *African Affairs*, Vol. 76, No. 303, 1977, pp. 143-166.
- Kedourie, Elie. *Nationalism. 4th expanded edition*. Oxford: Blackwell, 1993.
- Keen, David. *The benefits of famine: a political economy of famine and relief in southwestern Sudan; 1983 – 1989*. Oxford: Currey, 2008.
- Kelsall, Tim, "History, Identity and Collective Action: Difficulties of Accountability", in Engel, Ulf and Olsen, Gorm Rye (eds.) *The African Exception*. Aldershot: Ashgate, 2005, pp. 53-67.
- Keulertz, Martin. *Drivers and actors in large-scale farmland acquisitions in Sudan*. Land Deal Politics Initiative, Working Paper No. 10, August 2012.
- Kevane, Michael, "Official Representations of the Nation: Comparing the Postage Stamps of Sudan and Burkina Faso", *African Studies Quarterly*, Vol. 10, No. 1, Spring 2008, pp. 71-94.
- Kevlihan, Robert. *Aid, Insurgencies and Conflict Transformation: When Greed is Good*. Milton Park and New York: Routledge, 2013.
- Khadiagala, Gilbert M., "Boundaries in Eastern Africa", *Journal of Eastern African Studies*, Vol. 4, No. 2, 2010, pp. 266-278.
- Khalid, Mansour, "Darfur: A Problem within a Wider Problem", in Hassan, Salah M. and Ray, Carina E. (eds.) *Darfur and the Crisis of Governance in Sudan. A Critical Reader*. Ithaca, NY: Cornell University Press, 2009, pp. 35-42.
- Khalid, Mansour. *The Government They Deserve: The Role of the Elite in Sudan's Political Evolution*. London: Kegan Paul International, 1990.

Kieh, George Klay Jr., "Introduction: The Terminally Ill Berlinist State", in Kieh, George Klay Jr. (ed.) *Beyond state failure and collapse: making the state relevant in Africa*. Plymouth: Lexington Books, 2007, pp. 3-21.

Kiir Mayardit, Salva. *One people, one nation*. Speech to SPLM youth, Juba, 15 February 2014.

Kiir Mayardit, Salva. *Speech on the Occasion of the First Anniversary of South Sudan Independence*. Juba, 9 July 2012.

Kiir Mayardit, Salva. *Speech on the Occasion of Martyrs Day*. Juba, 30 July 2011.

Kiir Mayardit, Salva. *Speech of H.E. Gen. Salva Kiir Mayardit, President Government of Southern Sudan, On the 3rd Anniversary of the Martyrs Day*. Juba, 30 July 2008.

Kimenyi, Mwangi S., "Making Federalism Work in South Sudan", in *South Sudan One Year After Independence: Opportunities and Obstacles for Africa's Newest Country*. Washington: Africa Growth Initiative at Brookings, June 2012, pp. 16-18.

Kimenyi, Mwangi S.; Mbaku, John Mukum and Moyo, Nelipher, "Reconstituting Africa's failed states: the case of Somalia", *Social Research*, Vol. 77, No. 4, Winter 2010, pp. 1339-1366.

Kindersley, Nicki, "Traitors, Sell-outs and Political Loyalty in the New State of South Sudan", in *Year One of a Nation: South Sudan's Independence – a compendium of pieces from e-International Relations*. December 2012, pp. 41-43.

Kircher, Ingrid. *Challenges to Security, Livelihoods, and Gender Justice in South Sudan: The situation of Dinka agro-pastoralist communities in Lakes and Warrap States*. Oxford: Oxfam Research Reports, March 2013.

Ki-Zerbo, Joseph; Mazrui, Ali and Wondji, Christophe in collaboration with Boahen, A. Adu, "Nation-building and changing political values", in Mazrui, Ali (ed.) *General history of Africa. 8. Africa since 1935*. Oxford: Heinemann, 1993, pp. 468-498.

Klein, Alex, "Turbulentes Horn von Afrika: Politische Regime im Übergang", in Debiel, Tobias (ed.) *Der zerbrechliche Frieden: Krisenregionen zwischen Staatsversagen, Gewalt und Entwicklung*. Bonn: Dietz, 2002, pp. 240-262.

Klein, Martin A., "Slavery and the Early State in Africa", *Social Evolution & History*, Vol. 8, No. 1, March 2009, pp. 168-194.

Kleist, Nauja, "Modern Chiefs: Tradition, Development and Return among Traditional Authorities in Ghana", *African Affairs*, Vol. 110, No. 441, 2011, pp. 629-647.

de Klerk, Marianne and Kuon, Jacob. *A scan of the current state of affairs of local government in southern Sudan (October-November 2009)*. VNG International Report, Sudan, 8 November 2009.

Kohnert, Dirk, "Entfremdung und Ausgrenzung: Afrikas neuer Nationalismus in Zeiten der Globalisierung", *Sociologus*, Vol. 58, No. 2, 2008, pp. 197-222.

Kojève, Alexandre, "Colonialism from a European Perspective" (edited and translated by Erik de Vries), *Interpretation*, Vol. 29. No. 1, 2001, pp. 115-130.

Kok, Peter, "Between Radical Restructuring and Deconstruction of State Systems", *Review of African Political Economy*, Vol. 23, No. 70, Dec. 1996, pp. 555-562.

- Komey, Gunda Kunda. *Land, Governance, Conflict and the Nuba of Sudan*. Oxford: James Currey, 2010.
- Köndgen, Olaf, "Shari'a and national law in the Sudan", in Otto, Jan Michiel (ed.) *Sharia Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present*. Leiden: Leiden University Press, 2010, pp. 181-230.
- Koponen, Juhani. *Development for Exploitation: German Colonial Policies in Mainland Tanzania, 1884-1918*. Helsinki: Finnish Historical Society, 1995.
- Kopytoff, Igor, "The Internal African Frontier: The Making of African Political Culture", in Kopytoff, Igor (ed.) *The African Frontier: the reproduction of traditional African societies*. Bloomington and Indianapolis: Indiana University Press, 1989, pp. 3-83.
- Kothari, Uma, "postcolonialism", in Forsyth, Tim (ed.) *Encyclopedia of International Development*. Abingdon: Routledge, 2005, pp. 541-543.
- Kramer, Robert S.; Lobban, Richard A. and Fluehr-Lobban, Carolyn (eds.) *Historical Dictionary of the Sudan*. 4th edition. Plymouth: Scarecrow Press, 2013.
- Krasner, Stephen, "Sharing Sovereignty: New Institutions for Collapsed and Failing States", *International Security*, Vol. 29, No. 2, Autumn 2004, pp. 85-120.
- Krüger, Herbert. *Allgemeine Staatslehre*. Stuttgart: Kohlhammer, 1964.
- Kuol, Monyluak Alor. *Administration of Justice in the (SPLA/M) Liberated Areas: court cases in war-torn Southern Sudan*. Oxford: Refugee Studies Programme, 1997.
- Kurimoto, Esei, "Changing Identifications among the Pari Refugees in Kakuma", in Schlee, Günther and Watson, Elizabeth E. (eds.) *Changing identifications and alliances in North-East Africa. 2. Sudan, Uganda and the Ethiopia-Sudan borderlands*. New York: Berghahn Books, 2009, pp. 219-233.
- Kurimoto, Esei and Simonse, Simon. *Conflict, age & power in North East Africa: age systems in transition*. Oxford: Currey, 1998.
- Kymlicka, Will. *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship*. Oxford: Oxford University Press, 2001.
- Laakso, Liisa and Olukoshi, Adebayo, "The Crisis of the Post-Colonial Nation-State Project in Africa", in Olukoshi, Adebayo and Laakso, Liisa (eds.) *Challenges to the Nation-state in Africa*. Uppsala: Nordiska Afrikainstitutet, 1996, pp. 7-39.
- Lacey, Elizabeth. *Restive Jonglei: From the Conflict's Roots, to Reconciliation*. Cape Town: Institute for Justice and Reconciliation, 2013.
- Lacher, Wolfram. *South Sudan: International State-Building and its Limits*. Berlin: SWP Research Paper, No. 4, February 2012.
- Ladouceur, Paul, "The Southern Sudan: a forgotten war and a forgotten peace", *International Journal*, Vol. 30, No. 3, 1975, pp. 406-427.
- Lagu, Joseph. *Sudan Odyssey Through A State: From Ruin to Hope*. Omdurman: MOB Center for Sudan Studies, 2006.
- Laitin, David D. *Nations, states, and violence*. Oxford: Oxford University Press, 2007.
- Lambach, Daniel. *Staatszerfall im postkolonialen Afrika*. Marburg: Tectum, 2002.

- Larémont, Ricardo René, "Borders, States, and Nationalism", in Larémont, Ricardo René (ed.) *Borders, nationalism, and the African state*. Boulder: Lynne Rienner, 2005, pp. 1-31.
- Large, Daniel and Patey, Luke. *Caught in the Middle: China and India in Sudan's Transition*. Copenhagen: DIIS Working Paper, No. 36, 2010.
- Large, Daniel, "China's Sudan Engagement: Changing Northern and Southern Political Trajectories in Peace and War", *The China Quarterly*, No. 199, September 2009, pp. 610–626.
- Larson, Greg; Ajak, Peter Biar and Pritchett, Lant. *South Sudan's Capability Trap: Building a State with Disruptive Innovation*. Cambridge: Center for International Development at Harvard University, Working Paper No. 268, October 2013.
- Latigo, James Ojera. *Promoting Community Capacities to Learn Across & Transform Conflicts in Malakal Area - A Grassroots Research & Historical Memory Approach*. Research Report, PACT Sudan, June 2008.
- Laudati, Ann, "Victims of Discourse: Mobilizing Narratives of Fear and Insecurity in Post-Conflict South Sudan – The Case of Jonglei State", *African Geographical Review*, Vol. 30, No. 1, 2011, pp. 15-32.
- Lavergne, Marc, "Le nouveau système politique soudanais ou la démocratie en trompe-l'oeil", *Politique Africaine*, No. 66, June 1997, pp. 23-38.
- Lawrance, Benjamin N. *Locality, Mobility, and Nation: Periurban Colonialism in Togo's Eweland, 1900-1960*. Rochester: University of Rochester Press, 2007.
- Leach, Justin D. *War and Politics in Sudan: Cultural Identities and the Challenges of the Peace Process*. New York: I.B. Tauris, 2012.
- Le Bris, Émile and Paulais, Thierry, "Introduction thématique. Décentralisation et développement", *Afrique contemporaine*, No. 221, 2007, pp. 21-44.
- Leff, Jonah and LeBrun, Emile. *Following the Thread: Arms and Ammunition Tracing in Sudan and South Sudan*. Geneva: Small Arms Survey, HSBA Working Paper No. 32, May 2014.
- Leff, Jonah. *My neighbour, my enemy: Inter-tribal violence in Jonglei*. Geneva: Small Arms Survey, Sudan Issue Brief, No. 21, October 2012.
- Lemarchand, René, "Political Clientelism and Ethnicity in Tropical Africa: Competing Solidarities in Nation-Building", *American Political Science Review*, Vol. 66, No. 1, 1972, pp. 68-90.
- Lentz, Carola. *Land, Mobility, and Belonging in West Africa*. Bloomington, IN: Indiana University Press, 2013.
- Lentz, Carola, "Land and the politics of belonging in Africa", in Chabal, Patrick; Engel, Ulf and de Haan, Leo (eds.) *African Alternatives*. Leiden: Brill, 2007, pp. 37-58.
- Lentz, Carola. *Die Konstruktion von Ethnizität. Eine politische Geschichte Nordwest-Ghanas 1870-1990*. Köln: Rüdiger Köppe, 1998.
- Leo, Benjamin. *Sudan Debt Dynamics: Status Quo, Southern Secession, Debt Division, and Oil – A Financial Framework for the Future*. Washington: Center for Global Development, Working Paper No. 233, December 2010.

Leonardi, Cherry, "South Sudanese Arabic and the Negotiation of the Local State, c. 1840-2011", *The Journal of African History*, Vol. 54, No. 3, November 2013, pp. 351-372.

Leonardi, Cherry; Isser, Deborah H.; Moro, Leben and Santschi, Martina, "The Politics of Customary Law Ascertainment in South Sudan", *Journal of Legal Pluralism and Unofficial Law*, No. 63, 2011, pp. 111-142.

Leonardi, Cherry, "Interpreters, Interlocutors and an Intermediary Language: Chiefs, the State and Colloquial Arabic in Southern Sudan", paper presented in panel 159 'The boundaries of the state in Sudan - engaging the intermediaries between state and society', at the 4th European Conference on African Studies, Uppsala, 2011.

Leonardi, Cherry, "Paying 'buckets of blood' for the land: moral debates over economy, war and state in Southern Sudan", *Journal of Modern African Studies*, Vol. 49, No. 2, 2011, pp. 215-240.

Leonardi, Cherry; Moro, Leben Nelson; Santschi, Martina and Isser, Deborah H. *Local Justice in Southern Sudan*. Washington: United States Institute of Peace & Rift Valley Institute, Peaceworks No. 66, 2010.

Leonardi, Cherry, "La justicia local y el poder de la oficialidad en el Sudán Meridional", *Revista CIDOB Afers Internacionals*, Vol. 87, 2009, pp. 65-93.

Leonardi, Cherry, "Violence, sacrifice and chiefship in Central Equatoria, Southern Sudan", *Africa*, Vol. 77, No. 4, 2007, pp. 535-558.

Leonhardt, Alec, "Baka and the Magic of the State: Between Autochthony and Citizenship", *African Studies Review*, Vol. 49, No. 2, Sep. 2006, pp. 69-94.

Leopold, Mark, "Crossing the line: 100 years of the North-West Uganda/South Sudan border", *Journal of Eastern African Studies*, Vol. 3, No. 3, 2009, pp. 464-478.

LeRiche, Matthew and Arnold, Matthew B. *South Sudan: From Revolution to Independence*. London: Hurst, 2012.

Lesch, Ann Mosely. *The Sudan: Contested National Identities*. Indiana Series in Middle East Studies. Oxford: James Currey, 1998.

Le Vine, Victor T., "African Patrimonial Regimes in Comparative Perspective", *Journal of Modern African Studies*, Vol. 18, No. 4, 1980, pp. 657-673.

Levitsky, Steven and Way, Lucan A., "Linkage versus Leverage. Rethinking the International Dimension of Regime Change", *Comparative Politics*, Vol. 38, No. 4, 2006, pp. 379-400.

Lewis, Mike. *Skirting the Law: Sudan's Post-CPA Arms Flow*. Geneva: Small Arms Survey, September 2009.

Li, Pengtao. *The Myth and Reality of Chinese Investors: A Case Study of Chinese Investment in Zambia's Copper Industry*. Johannesburg: South African Institute of International Affairs, Occasional Paper No. 62, May 2010.

Lienhardt, Godfrey. *Divinity and Experience: The Religion of the Dinka*. Oxford: Oxford University Press, 1961.

Lindberg, Staffan I. and Morrison, Minion K. C., "Are African Voters Really Ethnic or Clientelistic? Survey Evidence from Ghana", *Political Science Quarterly*, Vol. 123, No. 1, 2008, pp. 95-122.

- Linke, Kristin and Dähne, Florian. *Arabischer Frühling in Khartoum? Soziale Proteste im Zentrum. Bewaffnete Aufstände in der Peripherie*. Berlin: Friedrich-Ebert-Stiftung, July 2012.
- Locher, Theodor Jakob Gottlieb. *Die Überwindung des europäozentrischen Geschichtsbildes*. Wiesbaden: Franz Steiner, 1954.
- Locke, John. *Two treatises on government*. Hamilton: McMaster University, 2000 [1689].
- Lodge, Tom, "Neo-patrimonial politics in the ANC", *African Affairs*, Vol. 113, No. 450, January 2014, pp. 1-23.
- Lokosang, L. B. *South Sudan: The Case for Independence and Learning from Mistakes*. Bloomington: Xlibris, 2010.
- Lokuji, Alfred Sebit; Abatneh, Abraham Sewonet and Wani, Chaplain Kenyi. *Police Reform in Southern Sudan*. Ottawa & Juba: North South Institute & Centre for Peace and Development Studies, Policy Paper, June 2009.
- Lokuji, Alfred Sebit. *Hazards in the power sharing aspects of the Comprehensive Peace Agreement during the Interim Period in the Sudan*. Nairobi & Waterloo: Africa Peace Forum & Project Ploughshares, Project: Building the capacity for sustainable peace in Sudan, Paper No. 2, 2006.
- Longman, Timothy, "Church Politics and the Genocide in Rwanda", *Journal of Religion in Africa*, Vol. 31, No. 2, 2001, pp. 163-186.
- Longman, Timothy, "Rwanda: Chaos from Above", in Villalón, Leonardo Alfonso and Huxtable, Phillip A. (eds.) *The African state at a critical juncture: between disintegration and reconfiguration*. Boulder, CO: Lynne Rienner, 1998, pp. 75-91.
- Lonsdale, John, "States and Social Processes in Africa: A Historiographical Survey", *African Studies Review*, Vol. 24, No. 2/3, Jun.-Sep. 1981, pp. 139-225.
- Luanda, Nestor N., "Christianity and Islam Contending for the Throne on the Tanzanian Mainland", in Olukoshi, Adebayo and Laakso, Liisa (eds.) *Challenges to the Nation-state in Africa*. Uppsala: Nordiska Afrikainstitutet, 1996, pp. 168-182.
- Lubajo, Joseph Lodiong, "Challenges of Basic Education in Southern Sudan: Language Policy in Jonglei & Upper Nile States", in Grawert, Elke (ed.) *After the Comprehensive Peace Agreement in Sudan*. Woodbridge / New York: Boydell & Brewer / James Currey, 2010, pp. 141-157.
- Luhmann, Niklas, "Staat und Politik. Zur Semantik der Selbstbeschreibung politischer Systeme", *Politische Vierteljahresschrift*, Sonderheft 15, 1984, pp. 99-125.
- Lund, Christian, "Property and Citizenship: Conceptually Connecting Land Rights and Belonging in Africa", *Africa Spectrum*, Vol. 46, No. 3, 2012, pp. 71-75.
- Lund, Christian, "Twilight institutions: public authority and local politics in Africa", *Development and Change*, Vol. 37, No. 4, 2006, pp. 685-705.
- Lund, Christian and Hesselings, Gerti, "Traditional Chiefs and Modern Land Tenure Law in Niger", in van Nieuwaal, E. Adriaan B. van Rouveroy and van Dijk, Rijk (eds.) *African Chieftaincy in a New Socio-Political Landscape*. Münster: LIT, 1999, pp. 135-154.
- Lusk, Gill, "Les crises du mouvement armé sud-Soudanais", *Politique Africaine*, No. 50, 1993, pp. 32-44.

- Luwangwa, Francis. *State Building in South Sudan: The UNDP Experience*. Juba: UNDP, 2010.
- Lynch, Gabrielle, "Negotiating Ethnicity: Identity Politics in Contemporary Kenya", *Review of African Political Economy*, Vol. 33, No. 107, State, Class & Civil Society in Africa, Mar. 2006, pp. 49-65.
- Machar, Riek, "Experiences of State Building and Development in South Sudan", in *Statebuilding and Development in South Sudan*. Nairobi: African Research and Resource Forum, 2011, pp. 13-21.
- Machar, Riek. *South Sudan: A History of Political Domination – A Case of Self-Determination*. Philadelphia: University of Pennsylvania, African Studies Centre, 1995.
- MacMichael, Harold A. *The Sudan*. London: Ernest Benn, 1954.
- MacMichael, Harold A. *A History of the Arabs in the Sudan*. Cambridge University Press: Cambridge, 1922.
- Maddick, Henry. *Democracy, Decentralization and Development*. Bombay: Asia Publishing House, 1963.
- Madibbo, Amal Ibrahim, "Conflict and the conceptions of identities in the Sudan", *Current Sociology*, Vol. 60, No. 3, 2012, pp. 302-319.
- Madut-Arop, Arop. *Sudan's Painful Road to Peace: A full story of the founding and development of SPLM/SPLA*. Charleston: BookSurge Publishing, 2006.
- Mafeje, Archie, "The Ideology of Tribalism", *Journal of Modern African Studies*, Vol. 9, No. 2, 1971, pp. 253-261.
- Magnusson, Bruce A. and Clark, John F., "Understanding Democratic Survival and Democratic Failure in Africa: Insights from Divergent Democratic Experiments in Benin and Congo (Brazzaville)", *Comparative Studies in Society and History*, Vol. 47, No. 3, 2005, pp. 552-582.
- Magone, José M., "The Difficult Transformation of State and Public Administration in Portugal. Europeanization and the Persistence of Neo-Patrimonialism", *Public Administration*, Vol. 89, No. 3, 2011, pp. 756-782.
- Maier, Charles S., "'Being there': place, territory, and identity", in Benhabib, Seyla; Shapiro, Ian and Petranović, Danilo (eds.) *Identities, Affiliations, and Allegiances*. Cambridge: Cambridge University Press, 2007, pp. 67-84.
- Mailer, Maya and Poole, Lydia. *Rescuing the Peace in Southern Sudan*. Joint NGO Briefing, Oxfam International, January 2010.
- Majok, Riak Gok, "Reconstruction, Governance and Public Administration Capacities in Post-Conflict Societies: The Case of Southern Sudan", in United Nations Department of Economic and Social Affairs. *Report of the Expert Group Meeting. Lessons Learned in Post-Conflict State Capacity: Reconstructing Governance and Public Administration Capacities in Post Conflict Countries*. New York: United Nations, 2009, pp. 121-127.
- Mallaby, Sebastian, "The Reluctant Imperialist: Terrorism, Failed States, and the Case for American Empire", *Foreign Affairs*, Vol. 81, No. 2, March/April 2002, pp. 2-7.
- Malwal, Bona. *People and power in Sudan: the struggle for national stability*. London: Ithaca Press, 1981.

- Mamdani, Mahmood. *Saviors and Survivors – Darfur, Politics, and the War on Terror*. New York: Pantheon Books, 2009.
- Mamdani, Mahmood. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton, NJ: Princeton University Press, 1996.
- Mampilly, Zachariah Cherian. *Rebel Rulers: Insurgent Governance and Civilian Life during War*. Ithaca, NY: Cornell University Press, 2011.
- Manby, Bronwen. *The Right to a Nationality and the Secession of South Sudan: A commentary on the impact of the new laws*. Nairobi: Open Society Initiative for Eastern Africa, 16 April 2012.
- Manby, Bronwen. *Struggles for Citizenship in Africa*. London and New York, NY: Zed Books, 2009.
- Manger, Leif, "Building Peace in the Sudan – Reflections on Local & Regional Challenges", in Shanmugaratnam, Nadarajah (ed.) *Between war & peace in Sudan & Sri Lanka: deprivation & livelihood revival*. Oxford: James Currey, 2008, pp. 27-40.
- Manning, Carrie, "Assessing African Party Systems after the Third Wave", *Party Politics*, Vol. 11, No. 6, 2005, pp. 707-727.
- Marchal, Roland, "Une histoire d'États...", *Politique Africaine*, No. 122, June 2011, pp. 59-83.
- Marcus, Richard R. and Ratsimbaharison, Adrien M., "Political Parties in Madagascar: Neopatrimonial Tools or Democratic Instruments?", *Party Politics*, Vol. 11, No. 4, 2005, pp. 495-512.
- Markakis, John, "Nationalism and Ethnicity in the Horn of Africa", in Yeros, Paris (ed.) *Ethnicity and Nationalism in Africa: Constructivist Reflections and Contemporary Politics*. Basingstoke: Macmillan, 1999, pp. 65-80.
- Marko, Ferenc David, "Fakeness and Originality of Citizenship in South Sudan", paper presented at the workshop *Emerging South Sudan: negotiating statehood*, Max-Planck-Institut for Social Anthropology, Halle/Saale, 23-24 September 2013.
- Marks, Joshua. *Border in Name Only: Arms Trafficking and Armed Groups at the DRC-Sudan Border*. Geneva: Small Arms Survey, May 2007.
- Marriage, Zoë, "The Comfort of Denial: External Assistance in Southern Sudan", *Development and Change*, Vol. 37, No. 3, 2006, pp. 479-500.
- Marseille, Jacques. *Empire colonial et capitalisme français: histoire d'un divorce*. Paris: Michel, 1984.
- Marshall-Fratani, Ruth, "The war of 'who is who': autochthony, nationalism and citizenship in the Ivorian crisis", *African Studies Review*, Vol. 49, No. 2, 2006, pp. 9-43.
- Martin, Daniel. *Reading Orientalism: Said and the Unsaid*. Seattle: University of Washington Press, 2008.
- Martin, Ellen and Sluga, Nina. *Sanctuary in the city? Urban displacement and vulnerability in Yei, South Sudan*. London: Humanitarian Policy Group Working Paper, Overseas Development Institute, December 2011.
- Martin, Ellen. *Gender, violence and survival in Juba, Southern Sudan*. London: Humanitarian Policy Group Policy Brief No. 42, Overseas Development Institute, November 2010.
- Marx, Christoph. *Geschichte Afrikas: von 1800 bis zur Gegenwart*. Paderborn: Schöningh, 2004.

Matereke, Kudzai Pfuwai, "One Zimbabwe Many Faces: The Quest for Political Pluralism in Postcolonial Zimbabwe", in Ndlovu-Gatsheni, Sabelo J. and Muzondidya, James (eds.) *Redemptive or Grotesque Nationalism? Rethinking Contemporary Politics in Zimbabwe*. Bern: Peter Lang, 2011, pp. 217-260.

Mauer, Maximilian. *Das Cinquantenaire in Benin: Konflikte und Risiken eines politischen Rituals*. Working Paper No. 144, Department of Anthropology and African Studies, Johannes Gutenberg University Mainz, 2014.

Maxwell, Daniel; Gelsdorf, Kirsten and Santschi, Martina. *Livelihoods, basic services and social protection in South Sudan*. London: Secure Livelihoods Research Consortium, Working Paper No. 1, July 2012.

Mayai, Augustino Ting; Abucha, Martin and Jok, Jok Madut, "The 2015 National Census and Elections: An Analysis of President Kiir's Announcements", *The Sudd Institute*, Policy Brief, 1 February 2014.

Mazrui, Ali, "Africa Entrapped: Between the Protestant Ethic and the Legacy of Westphalia", in Bull, Hedley and Watson, Adam (eds.) *The Expansion of International Society*. Oxford: Clarendon Press, 1984, pp. 289-308.

Mazrui, Ali, "The Multiple Marginality of the South", in Hasan, Yusuf Fadl (ed.) *Sudan in Africa*. Khartoum: Khartoum University Press, 1971, pp. 240-255.

Mazrui, Ali, "Violent Contiguity and the Politics of Retribalization in Africa", *Journal of International Affairs*, Vol. 23, No. 1, 1969, pp. 89-105.

Mazrui, Ali, "On the Concept of 'We Are All Africans'", *The American Political Science Review*, Vol. 57, No. 1, 1963, pp. 88-97.

Mbaku, John Mukum and Smith, Jessica Elaine, "The Anti-Corruption Agenda: Using Public Financial Management to Build Credible Institutions", in *South Sudan One Year After Independence: Opportunities and Obstacles for Africa's Newest Country*. Washington: Africa Growth Initiative at Brookings, June 2012, pp. 19-22.

Mbembe, Achille. *On the postcolony*. Berkeley: University of California Press, 2001.

Mbembe, Achille. *Afriques indociles: Christianisme, pouvoir et Etat en société postcoloniale*. Paris: Karthala, 1988.

Mbugua, Joseph Kioi. *Security and Organized Crime: Dynamics and Challenges in South Sudan*. Nairobi: International Peace Support Training Center, Occasional Paper No. 2, 2012.

Mburu, Nene, "Delimitation of the Ilemi Triangle: A History of Abrogation of Responsibility", *African Studies Quarterly*, Vol. 7, No. 1, 2003, pp. 15-37.

McEvoy, Claire and LeBrun, Emile. *Uncertain Future: Armed Violence in Southern Sudan*. Geneva: Small Arms Survey, April 2010.

McFerson, Hazel, "Developments in African Governance since the Cold War: Beyond Cassandra and Pollyanna", *African Studies Review*, Vol. 53, No. 2, September 2010, pp. 49-76.

McGreal, Chris. *Chaplains of the Militia: The tangled story of the Catholic church during Rwanda's genocide*. Ebook: Guardian Shorts, 2014.

- McHugh, Gerard. *National Elections and Political Accommodation in the Sudan*. Cambridge, MA: Conflict Dynamics International, Governance and Peacebuilding Series, Briefing Paper No. 2, June 2009.
- McHugh, Neil. *Holymen of the Blue Nile: The Making of an Arab-Islamic Community in the Nilotic Sudan, 1500-1850*. Evanston: Northwestern University Press, 1994.
- McLaughlin, Fiona, "Senegal: The Emergence of a National Lingua Franca", in Simpson, Andrew (ed.) *Language and national identity in Africa*. Oxford: Oxford University Press, 2008, pp. 79-97.
- McNamee, Terence. *The first crack in Africa's map? Secession and Self-Determination after South Sudan*. Johannesburg: The Brenthurst Foundation, Discussion Paper No. 1, January 2012.
- Médard, Jean-François, "L'État néo-patrimonial en Afrique noire", in Médard, Jean-François (ed.) *États d'Afrique noire. Formation, mécanismes et crise*. Paris: Karthala, 1991, pp. 323-353.
- Médard, Jean-François, "The Underdeveloped State In Tropical Africa: Political Clientelism Or Neo-Patrimonialism?", in Clapham, Christopher (ed.) *Private Patronage and Public Power. Political Clientelism in the Modern State*. London: Frances Pinter, 1982, pp. 162-189.
- Médecins Sans Frontières. *Facing up to Reality: Health crisis deepens as violence escalates in Southern Sudan*. December 2009.
- Mehler, Andreas, "Hybrid Regimes and Oligopolies of Violence in Africa: Expectations on Security Provision 'From Below'", in Fischer, Martina and Schmelzle, Beatrix (eds.) *Building Peace in the Absence of States: Challenging the Discourse on State Failure*. Berlin: Berghof Handbook Dialogue Series, No. 8, 2009, pp. 57-65.
- Mehlum, Halvor; Moene, Karl and Torvik, Ragnar, "Institutions and the resource curse", *The Economic Journal*, Vol. 116, No. 508, 2006, pp. 1-20.
- Melber, Henning, "Limits to liberation", in Melber, Henning (ed.) *Re-Examining Liberation in Namibia: political culture since independence*. Uppsala: Nordiska Afrikainstitutet, 2003, pp. 9-24.
- Melmoth, Sébastien, "République démocratique du Congo: décentralisation et sortie du conflit", *Afrique contemporaine*, No. 221, 2007, pp. 75-85.
- Mennen, Tiernan, "Lessons from Yambio: Legal Pluralism and Customary Justice Reform in Southern Sudan", *Hague Journal on the Rule of Law*, Vol. 2, No. 2, 2010, pp. 218-252.
- Mennen, Tiernan. *Adapting restorative justice principles to reform customary courts in dealing with gender-based violence in Southern Sudan*. San Francisco: UNFPA & DPK Consulting, Final Report, May 2008.
- Mentan, Tatah. *Dilemmas of Weak States. Africa and Transnational Terrorism in the Twenty-First Century*. Ashgate: Aldershot, 2004.
- Mercer, Patricia, "Shilluk Trade and Politics from the mid-seventeenth century to 1861", *The Journal of African History*, Vol. 12, No. 3, 1971, pp. 407-426.
- Merkx, Jozef, "Refugee Identities and Relief in an African Borderland: A Study of Northern Uganda and Southern Sudan", *Refugee Survey Quarterly*, Vol. 21, No. 1 & 2, 2002, pp. 113-146.
- Metelits, Claire, "Reformed Rebels? Democratization, Global Norms, and the Sudan People's Liberation Army", *Africa Today*, Vol. 51, No. 1, 2004, pp. 65-82.

- Meyer, Kathrin and Münkler, Herfried, "Die Erfindung der italienischen Nation in den Schriften der Humanisten", in Münkler, Herfried; Grünberger, Hans and Meyer, Kathrin (eds.) *Nationenbildung: Die Nationalisierung Europas im Diskurs humanistischer Intellektueller. Italien und Deutschland*. Berlin: Akademie Verlag, 1998, pp. 75-162.
- Migdal, Joel S. and Schlichte, Klaus, "Rethinking the State", in Schlichte, Klaus (ed.) *The dynamics of states: the formation and crises of state domination*. Aldershot: Ashgate, 2005, pp. 1-40.
- Migdal, Joel S. *State in society. Studying how states and societies transform and constitute one another*. Cambridge: Cambridge University Press, 2001.
- Migdal, Joel S. *Strong societies and Weak States*. Princeton: Princeton University Press, 1988.
- Miller, Catherine, "Southern Sudanese Arabic and the churches", *Revue Roumaine de Linguistique*, Vol. 54, No. 3-4, 2010, pp. 383-400.
- Miller, David. *On Nationality*. Oxford: Clarendon, 1995.
- Milliken, Jennifer and Krause, Keith, "State Failure, State Collapse and State Reconstruction: Concepts, Lessons and Strategies", *Development and Change*, Vol. 33, No. 5, 2002, pp. 753-774.
- Milner, Christopher. *Crossing the Line: Transhumance in Transition along the Sudan-South Sudan Border*. Concordis International Report, October 2012.
- Minear, Larry and Abuom, Tabyiegen Agnes. *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan*. Trenton, NJ: Red Sea Press, 1991.
- Ministry of Health, Government of Southern Sudan and the Southern Sudan Commission for Census, Statistics and Evaluation. *Southern Sudan Household Health Survey 2010*. Juba, 2011.
- Mitchell, Laura. *Belongings: property, family and identity in colonial South Africa, an exploration of frontiers, 1725 – c. 1830*. New York, NY: Columbia University Press, 2009.
- Mkandawire, Thandika, "African intellectuals and nationalism", in Mkandawire, Thandika (ed.) *African intellectuals: rethinking politics, language, gender and development*. London: Zed Books, 2005, pp. 10-55.
- Moe, Louise Wiuff. *Addressing state fragility in Africa. A need to challenge the established 'wisdom'?*. Helsinki: Finnish Institute of International Affairs, Report No. 22, 2010.
- de Montclos, Marc-Antoine Pérouse, "Le fédéralisme au secours de l'Afrique? Du Nigeria au Soudan, des expériences contrastées", *Afrique contemporaine*, No. 208, 2003/4, pp. 101-114.
- de Montclos, Marc-Antoine Pérouse, "Le Soudan. Une guerre de religions en trompe-l'œil", in *L'Afrique politique 2002. Islams d'Afrique: entre le local et le global*. Paris: Karthala, 2002, pp. 33-49.
- Morning, Ann, "Ethnic Classification in Global Perspective: A Cross-National Survey of the 2000 Census Round", *Population Research and Policy Review*, Vol. 27, No. 2, 2008, pp. 239-272.
- Mosel, Irina and Murray, Ryan. *Symptoms and causes: Insecurity and underdevelopment in Eastern Equatoria*. Geneva: Small Arms Survey, Sudan Issue Brief, No. 16, April 2010.
- Mosley, Jason. *Peace, Bread and Land: Agricultural Investments in Ethiopia and the Sudans*. London: Chatham House Briefing Paper, January 2012.
- Mudimbe, Valentin Y. *The Invention of Africa*. Bloomington and Indianapolis: Indiana University Press, 1988.

Mueller, Susanne D., "Kenya and the International Criminal Court (ICC): politics, the election and the law", *Journal of Eastern African Studies*, Vol. 8, No. 1, 2014, pp. 25-42.

Muggah, Robert; Colletta, Nat and de Tessières, Savannah, "Alternatives to Conventional Security Promotion: Rethinking the Case of Southern Sudan", in *Southern Sudan and DDR: Adopting an Integrated Approach to Stabilization*. Workshop Papers, Small Arms Survey, Juba, Southern Sudan, 25–26 June 2009, pp. 11-39.

Muggah, Robert; Murray, Ryan; Garfield, Richard and McEvoy, Claire. *Surveying armed violence, arms and victimization in Southern Sudan: findings and challenges*. Brighton: Households in Conflict Network, Research Design Note No. 8, June 2008.

Muiu, Mueni wa and Martin, Guy. *A new paradigm of the African state*. London: Palgrave, 2009.

Müller-Dempff, Harald. *The Ngibokoi Dilemma: generation-sets and social system engineering in times of stress – an example from the Toposa of Southern Sudan*. Working Paper No. 106, Max Planck Institute for Social Anthropology, Halle, 2008.

Multi-Donor Trust Fund for South Sudan. *Paving the Way for a Secure Future. 2012 Annual Report*.

Münkler, Herfried, "Die Territorialisierung des Politischen. Der institutionelle Flächenstaat und seine sozialmoralische Infrastruktur", in Liessmann, Konrad Paul (ed.) *Wie viel Herrschaft braucht der Mensch?*. Wien: Zsolnay, 2011, pp. 50-68.

Münkler, Herfried. *Imperien. Die Logik der Weltherrschaft – vom Alten Rom bis zu den Vereinigten Staaten*. Berlin: Rowohlt, 2005.

Münkler, Herfried. *Die neuen Kriege*. Reinbek: Rowohlt, 2002.

Münkler, Herfried, "Staat", in Ritter, Joachim and Gründer, Karlfried (eds.) *Historisches Wörterbuch der Philosophie. Band 10*. Basel: Schwabe Verlag, 1999, pp. 2-30.

Munro, William A., "Power, Peasants and Political Development: Reconsidering State Construction in Africa", *Comparative Studies in Society and History*, Vol. 38, No. 1, 1996, pp. 112-148.

Mwakikagile, Godfrey. *The modern African state: quest for transformation*. New York: Nova, 2001.

Myrtilinen, Henri and McInturff, Kate. *Gender, Small Arms and Development: The Case of Southern Sudan*. Ottawa: Peacebuild, 2008.

Nathan, Laurie, "Interests, Ideas and Ideology: South Africa's Policy on Darfur", *African Affairs*, Vol. 110, No. 438, 2011, pp. 55-74.

N'Diaye, Boubacar, "Mauritania, August 2005: Justice and democracy, or just another coup?", *African Affairs*, Vol. 105, No. 420, 2006, pp. 421-441.

Neocosmos, Michael. *From 'Foreign Natives' to 'Native Foreigners'. Explaining Xenophobia in Post-Apartheid South Africa – Citizenship and Nationalism, Identity and Politics*. Dakar: CODESRIA, 2006.

Newhouse, Leonie. *Urban attractions: returnee youth, mobility and the search for a future in South Sudan's regional towns*. Geneva: UNHCR Research Paper No. 232, January 2012.

Niblock, Tim. *Class and power in Sudan: the dynamics of Sudanese politics, 1898-1985*. Basingstoke: Macmillan, 1987.

Nichols, Ryan. *DDR in Sudan: Too Little, Too Late?* Geneva: Small Arms Survey, February 2011.

Nielsen, Morten, "Filling in the Blanks: The Potency of Fragmented Imageries of the State", *Review of African Political Economy*, Vol. 34, No. 114, 2007, pp. 695–708.

Nikkel, Marc, "'Children of Our Fathers' Divinities' or 'Children of Red Foreigners'?", in Wheeler, Andrew (ed.) *Land of Promise: Church growth in a Sudan at war*. Limuru, Kenya: Paulines Publications Africa, 1997, pp. 61-78.

Nikkel, Marc, "Aspects of Contemporary Religious Change among the Dinka", *Journal of Religion in Africa*, Vol. 22, No. 1, 1992, pp. 78-94.

Njeru, Shastry, "Dealing with the past: The youth and post-war recovery in southern Sudan", *African Journal on Conflict Resolution*, Vol. 10, No. 3, 2010, pp. 29-50.

Noble, Kate and Morgan, Carol. *Country Case Study: South Sudan. Support to media where media freedoms and rights are constrained*. London: BBC Media Action, August 2012.

Norris, M. W., "Local Government and decentralization in the Sudan", *Public Administration and Development*, Vol. 3, No. 3, 1983, pp. 209-222.

Nucci, Domenico. *Land and Property Study in Sudan: Study on arbitration, mediation and conciliation of land and property disputes*. Nairobi: Project OSRO/SUD/409/HCR, Norwegian Refugee Council, UNHCR and FAO, November 2004.

Nugent, Paul, "Do Nations Have Stomachs? Food, Drink and Imagined Community in Africa", *Africa Spectrum*, Vol. 45, No. 3, 2010, pp. 87-113.

Nunn, Nathan, "The long term effects of Africa's slave trades", *Quarterly Journal of Economics*, Vol. 123, No. 1, 2008, pp. 139–176.

Nyaba, Peter Adwok. *South Sudan. The State We Aspire To*. Cape Town: CASAS, 2011.

Nyaba, Peter Adwok. *The Politics of Liberation in South Sudan: An Insider's View*. Kampala: Fountain Publishers, 1997.

Nyamnjoh, Francis B. *Insiders and outsiders: citizenship and xenophobia in contemporary Southern Africa*. Dakar: Codesria Books, 2006.

Nyang'oro, Julius E. *Local Level Intergroup Peace Building In Southern Sudan - An Assessment of Effective Practices*. Greater Horn of Africa Peace Building Project, Report for USAID, March 2001.

Nyang'oro, Julius E., "Hemmed in? The state in Africa and global liberalization", in Smith, David A.; Solinger, Dorothy J. and Topik, Steven C. (eds.) *States and Sovereignty in the Global Economy*. London: Routledge, 1999, pp. 264-277.

Nyerere, Peter, "Africa's Place in the World", *Symposium On Africa*, Wellesley College, Wellesley, Mass., 1960.

Nyombe, B.G.V., "Survival or extinction: the fate of the local languages of the Southern Sudan", *International Journal of the Sociology of Language*, Vol. 125, No. 1, 1997, pp. 99-130.

Nzongola-Ntalaja, Georges, "Political Reforms and Conflict Management", in Suttner, Raymond (ed.) *Africa in the New Millennium*. Uppsala: Nordiska Afrikainstitutet, Discussion Paper No. 13, 2001, pp. 12-27.

O'Brien, Adam. *Shots in the Dark: The 2008 South Sudan Civilian Disarmament Campaign*. Geneva: Small Arms Survey, HSBA Working Paper No. 16, January 2009.

Ochan, Clement. *Responding to Violence in Ikotos County, South Sudan: Government and Local Efforts to Restore Order*. Medford: Feinstein International Centre, Tufts University, December 2007.

Ochieng'-Odhiambo, F. *Trends and Issues in African Philosophy*. New York: Peter Lang, 2010.

OECD. *2011 Report on International Engagement in Fragile States: Republic of South Sudan*. OECD Publishing, 2011.

O'Grady, Paul and Weichselbaum, Geoffrey. *South Sudan: Prospects for Democracy in the World's Newest State*. Berlin: Democracy Reporting International, April 2011.

Ohadike, Don, "Muslim-Christian Conflict and Political Instability in Nigeria", in Hunwick, John O. (ed.) *Religion and National Integration in Africa: Islam, Christianity, and Politics in the Sudan and Nigeria*. Evanston, IL: Northwestern University Press, 1992, pp. 101-124.

Ojil, Bernard C. *Report on Peace and Reconciliation Conference of the Lokoya and the Olu'bo Communities of East Bank*. Nimule, South Sudan, 13 September to 17 October 2004.

Ojo, Bamidele A., "Africa's Triple Dilemma: The State, Democratization and the Challenges of Globalization", *Globalization*, Vol. 4, No. 2, 2004, pp. 1-14.

Okumu, Wafula, "Resources and Border Disputes in Eastern Africa", *Journal of Eastern African Studies*, Vol. 4, No. 2, July 2010, pp. 279-297.

Okwaroh, Kenneth. *South Sudan – Resources for poverty eradication: A background paper*. Nairobi: Development Initiatives – Africa Hub, November 2012.

Olaitan, Wale Are, "Towards a Functional African State: Bridging the Gap Between the State and the People", *African Journal of International Affairs*, Vol. 9, Nos. 1&2, 2006, pp. 61–74.

Olayode, Kehinde, "Reinventing the African State: Issues and Challenges for Building a Developmental State", *African Journal of International Affairs*, Vol. 8, Nos. 1&2, 2005, pp. 23–43.

Oliver, Roland and Atmore, Anthony. *Africa since 1800. Fifth Edition*. New York: Cambridge University Press, 2005.

Olorunsola, Victor A., "Introduction", in Olorunsola, Victor A. (ed.) *The politics of cultural sub-nationalism in Africa*. New York: Doubleday, 1972, pp. xiii-xvii.

Olowu, Dele and Wunsch, James S. *Local governance in Africa: the challenges of democratic decentralization*. Boulder: Rienner, 2004.

Olukoshi, Adebayo, "State, Conflict, and Democracy in Africa: The Complex Process of Renewal", in Joseph, Richard (ed.) *State, Conflict, and Democracy in Africa*. Boulder: Lynne Rienner, 1999, pp. 451-465.

Omissi, David E. *Air Power and Colonial Control: The Royal Air Force, 1919-1939*. Manchester: Manchester University Press, 1990.

Onoma, Ato Kwamena. *Anti-Refugee Violence and African Politics*. Cambridge et al.: Cambridge University Press, 2013.

Organization of African Unity, "Border Disputes Among African States", AHG/Res. 16(I), *Resolutions Adopted by the First Ordinary Session of the Assembly of Heads of State and Government*, held in Cairo, UAR, from 17 to 21 July 1964.

- Osland, Kari M.; Thompson, Graham and Vogt, Andreas. *Joint Donor Security Sector Needs Assessment: An independent assessment of the future involvement of the Joint Donor Team in security sector reform in Southern Sudan*. Oslo: NUPI Report Security in Practice, No. 1, 2007.
- Ossome, Marilyn, "Violence against South Sudanese Women & Girls in Kakuma", in Grawert, Elke (ed.) *After the Comprehensive Peace Agreement in Sudan*. Woodbridge / New York: Boydell & Brewer / James Currey, 2010, pp. 158-175.
- Osterhammel, Jürgen. *Die Verwandlung der Welt: eine Geschichte des 19. Jahrhunderts*. München: Beck, 2009.
- Ottaway, Marina and El-Sadany, Mai. *Sudan: From Conflict to Conflict*. Washington: The Carnegie Papers, May 2012.
- Ottaway, Marina and Mair, Stefan. *States at Risk and Failed States: Putting Security First*. Washington, DC: Carnegie Endowment for International Peace, Policy Outlook, September 2004.
- Ottaway, Marina, "Ethnic Politics in Africa: Change and Continuity", in Joseph, Richard (ed.) *State, Conflict, and Democracy in Africa*. Boulder: Lynne Rienner, 1999, pp. 299-317.
- Ottosson, Daniel. *State-sponsored Homophobia: A world survey of laws prohibiting same sex activity between consenting adults*. The International Lesbian, Gay, Bisexual, Trans and Intersex Association, May 2009.
- Oyelaran, Olasope O. and Adediran, Michael O., "Colonialism, Citizenship and Fractured National Identity: The African Case", in Oommen, T.K. (ed.) *Citizenship and national identity: from colonialism to globalism*. New Delhi et al.: Sage Publications, 1997, pp. 173-197.
- Oyugi, Walter O., "Decentralization for good governance and development: The unending debate.", *Regional Development Dialogue*, Vol. 21, No. 1, Spring 2000, pp. 3-22.
- Özkırımlı, Umut. *Theories of Nationalism: A Critical Introduction*. 2nd edition. Basingstoke: Palgrave Macmillan, 2010.
- Pabst, Martin, "Der Südsudan vor der Unabhängigkeit – Jubel vor Ort, Enttäuschung im Nordsudan, Besorgnis weltweit", *KAS Auslandsinformationen*, No. 3, 2011, pp. 34-55.
- Page, Susan D. *Democracy Is a Fragile Thing*. Office of the U.S. Ambassador to the Republic of South Sudan, 28 September 2012.
- Panozzo, Irene. *Conflitto e mobilità: il Sudan tra guerre civili e sfollati*. Rome: CeSPI Working Papers, No. 67, November 2009.
- Pantuliano, Sara; Egemi, Omer; Fadlalla, Babo and Farah, Mohammed with Abdelgadir, Mohammed Elamin. *Put out to pasture: War, oil and the decline of Misseriya Humr pastoralism in Sudan*. London: Humanitarian Policy Group, Overseas Development Institute, March 2009.
- Pantuliano, Sara; Buchanan-Smith, Margie; Murphy, Paul and Mosel, Irina. *The Long Road Home: Opportunities and Obstacles to the Reintegration of IDPs and refugees returning to Southern Sudan and the Three Areas. Report of Phase II: Conflict urbanization and land*. London: Humanitarian Policy Group, Overseas Development Institute, September 2008.
- Pantuliano, Sara. *The Land Question: Sudan's peace nemesis*. London: Humanitarian Policy Group, Overseas Development Institute, 2007.

- Panzacchi, Cornelia, "The livelihoods of traditional griots in modern Senegal", *Africa*, Vol. 64, No. 2, April 1994, pp. 190-210.
- Paris, Roland and Sisk, Timothy D. (eds.) *The dilemmas of statebuilding: confronting the contradictions of postwar peace operations*. London and New York: Routledge, 2009.
- Patey, Luke, "Crude Days Ahead? Oil and the resource curse in Sudan", *African Affairs*, Vol. 109, No. 437, 2010, pp. 617–636.
- Peace Security and Development Network. *Public Private Cooperation in Fragile States. Country report: Southern Sudan*. The Hague: September 2009.
- Pearce, Fred. *The Land Grabbers: The New Fight over Who Owns the Earth*. London: Eden Project Books, 2012.
- Perner, Conradin. 'But you know...: ...Darkness is a big thing...'. *A background-report on Family-attitudes and sexual Behaviour in the Southern Sudan as a basis for HIV/AIDS awareness*. Nairobi: UNICEF, 2001.
- Peter, Marina. *Sudan*. Berlin and Bonn: Deutscher Entwicklungsdienst and Friedrich-Ebert-Stiftung, Conflict Analysis, June 2004.
- Petterson, Donald; Berhanu, Kassahun; Gutto, Shadrack B.O.; Johnson, Douglas H. and Muriuki, Godfrey. *Abyei Boundaries Commission Report*. Nairobi: IGAD, 14 July 2005.
- Pfeiffer, Caryn and Englebert, Pierre, "Extraversion, Vulnerability to Donors, and Political Liberalization in Africa", *African Affairs*, Vol. 111, No. 444, 2012, pp. 355–378.
- Phelan, Jake and Wood, Graham. *Report on the current and potential impact of displaced people returning to southern Sudan*. Surrey, UK: Ockenden International, January 2006.
- Pitcher, Anne; Moran, Mary H. and Johnston, Michael, "Rethinking Patrimonialism and Neopatrimonialism in Africa", *African Studies Review*, Vol. 52, No. 1, April 2009, pp. 125-156.
- Plato. *Republic: 1 - 2.368c4*. With introduction, translation and commentary by Chris Emlyn-Jones. Oxford: Aris & Phillips, 2007.
- Political Parties Act 2012*, Laws of South Sudan, Act No. 33, Juba, 29th February 2012.
- Porter, Bernard. *The absent-minded imperialists: empire, society, and culture in Britain*. Oxford: Oxford University Press, 2007.
- Posner, Daniel N., "Measuring Ethnic Fractionalization in Africa", *American Journal of Political Science*, Vol. 48, No. 4, October 2004, pp. 849–863.
- Posner, Daniel N. and Young, Daniel J., "The Institutionalization of Political Power in Africa", *Journal of Democracy*, Vol. 18, No. 3, July 2007, pp. 126-140.
- Prah, Kwesi Kwaa. *Unity in Diversity: South Sudan COTALs Study and Familiarization Tour Report (South Africa, Botswana and Ghana) January 2013*. Cape Town: CASAS, 2013.
- Prakash, Gyan, "Subaltern Studies as Postcolonial Criticism", *The American Historical Review*, Vol. 99, No. 5, 1994, pp. 1475-1490.
- Preston, Sarah; Smith, Henry and Kefford, Stuart. *Developing integrated approaches to post-conflict security and recovery: A case study of integrated DDR in Sudan*. Saferworld, July 2008.

Pritchett, Lant; Woolcock, Michael, and Andrews, Matt. *Capability Traps? The Mechanisms of Persistent Implementation Failure*. Washington, D.C.: Center for Global Development, Working Paper No. 234, 2010.

Prkic, François, "The Phoenix State: War Economy and State Formation in Liberia", in Schlichte, Klaus (ed.) *The dynamics of states: the formation and crises of state domination*. Aldershot: Ashgate, 2005, pp. 115-136.

Prunier, Gérard, "Rebel movements and proxy warfare: Uganda, Sudan and the Congo (1986-99)", *African Affairs*, Vol. 103, No. 412, 2004, pp. 359-383.

Prunier, Gérard, "Le Sud-Soudan depuis l'indépendance (1956-1989)", in Lavergne, Marc (ed.) *Le Soudan Contemporain*. Paris: Karthala, 1989, pp. 381-433.

Purdeková, Andrea, "Building a Nation in Rwanda? De-ethnicization and its Discontents", *Studies in Ethnicity and Nationalism*, Vol. 8, No. 3, 2008, pp. 502-523.

Putnam, Robert D. *Democracies in flux: the evolution of social capital in contemporary society*. New York: Oxford University Press, 2002.

Rallu, Jean-Louis; Piché, Victor and Simon, Patrick, "Démographie et Ethnicité: Une Relation Ambiguë", in Caselli, Graziella; Vallin, Jacques and Wunsch, Guillaume (eds.) *Démographie: Analyse et Synthèse. Vol. 6: Population et société*. Paris: Institut National d'Études Démographiques, 2004, pp. 481-515.

Rands, Richard B. and LeRiche, Matthew. *Security responses in Jonglei State in the aftermath of inter-ethnic violence*. Saferworld, February 2012.

Rands, Richard. *In Need of Review: SPLA Transformation in 2006-10 and Beyond*. Geneva: Small Arms Survey, November 2010.

Ranganathan, Rupa and Briceño-Garmendia, Cecilia M. *South Sudan's Infrastructure: A Continental Perspective*. Washington, DC: World Bank, 2011.

Ranger, Terence, "Historiography, patriotic history and the history of the nation", *Journal of Southern African Studies*, Vol. 30, No. 2, 2004, pp. 215-234.

Ranger, Terence, "The invention of tradition revisited: the case of Africa", in Ranger, Terence and Vaughan, Olufemi (eds.) *Legitimacy and the State in Twentieth Century Africa*. London: Macmillan, 1993, pp. 62-111.

Ranger, Terence, "The Invention of Tradition in Colonial Africa", in Hobsbawm, Eric J. and Ranger, Terence (eds.) *The Invention of Tradition*. Cambridge: Cambridge University Press, 1983, pp. 211-262.

Raeymaekers, Timothy; Menkhaus, Ken and Vlassenroot, Koen, "State and non-state regulation in African protracted crises: governance without government?", *Afrika Focus*, Vol. 21, No. 2, 2008, pp. 7-21.

Ravenhill, John, "Redrawing the Map of Africa", in Rothchild, Donald and Chazan, Naomi (eds.) *The Precarious Balance: State and Society in Africa*. Boulder, CO: Westview Press, 1988, pp. 282-306.

Reeves, Richard. *Peace and Conflict Assessment of South Sudan 2012*. London: International Alert, 2012.

Refugee Law Project. *Ownership, Resettlement and Accountability: The Elegu Land Dispute in Northern Uganda*. Kampala: Makerere University, School of Law, September 2012.

- Reid, Richard, "Past and Presentism: The 'Precolonial' and the Foreshortening of African History", *Journal of African History*, Vol. 52, No. 2, 2011, pp. 135–155.
- Reid, Richard. *A History of Modern Africa: 1800 to the Present*. Malden: Wiley-Blackwell, 2009.
- Reinhard, Wolfgang, "Geschichte der Staatsgewalt und europäische Expansion", in Reinhard, Wolfgang and Müller-Luckner, Elisabeth (eds.) *Verstaatlichung der Welt? Europäische Staatsmodelle und außereuropäische Machtprozesse*. München: Oldenbourg, 1999, pp. 317-356.
- Reinhard, Wolfgang. *Geschichte der Staatsgewalt: eine vergleichende Verfassungsgeschichte Europas von den Anfängen bis zur Gegenwart*. München: Beck, 1999.
- Renan, Ernest, "Qu'est-ce qu'une nation?", in Hutchinson, John and Smith, Anthony D. (eds.) *Nationalism*. Oxford: Oxford University Press, 1994, pp. 17-18.
- Reno, William, "Complex Operations in Weak and Failing States: The Sudan Rebel Perspective", *Prism*, Vol. 1, No. 2, March 2010, pp. 111-122.
- Reno, William, "Congo: From State Collapse, to 'Absolutism' to State Failure", *Third World Quarterly*, Vol. 27, No. 1, From Nation-Building to State-Building, 2006, pp. 43-56.
- Reno, William, "Sierra Leone: Weak States and the New Sovereignty Game", in Villalón, Leonardo Alfonso and Huxtable, Phillip A. (eds.) *The African state at a critical juncture: between disintegration and reconfiguration*. Boulder, CO: Lynne Rienner, 1998, pp. 93-108.
- Reno, William. *Warlord Politics and African States*. Boulder: Lynne Rienner, 1998.
- Reno, William, "African weak states and commercial alliances", *African Affairs*, Vol. 96, No. 383, 1997, pp. 165-185.
- Reno, William. *Corruption and State Politics in Sierra Leone*. Cambridge: Cambridge University Press, 1995.
- Reporters Without Borders. *World Press Freedom Index 2013*. Paris, 2013.
- Republic of South Sudan. *Approved Budget 2012/13*. Juba, 2012.
- Ribot, Jesse C. *African Decentralization: Local Actors, Powers and Accountability*. Geneva: UNRISD Programme on Democracy, Governance and Human Rights, Paper No. 8, 2002.
- Riehl, Volker. *Who is Ruling in South Sudan? The Role of NGOs in Rebuilding Socio-Political Order*. Uppsala: Nordiska Afrikainstitutet, Studies on Emergency and Disaster Relief, Report No. 9, 2001.
- Rietveld, Cornelis and Waldman, Ron. *Health in Fragile States. Country Case Study: Southern Sudan*. Arlington: BASICS, July 2006.
- Robertshaw, Peter, "Prehistory in the upper Nile Basin", *The Journal of African History*, Vol. 28, No. 2, July 1987, pp. 177-189.
- Robinson, Ronald and Gallagher, John. *Africa and the Victorians. The Climax of Imperialism in the Dark Continent*. London and New York: Macmillan, 1961.
- Rodney, Walter. *How Europe Underdeveloped Africa*. London: Bogle L'Ouverture, 1973.
- Roessler, Philip G., "Donor-Induced Democratization and the Privatization of State Violence in Kenya and Rwanda", *Comparative Politics*, Vol. 37, No. 2, 2005, pp. 207-227.

- Rogier, Emeric. *No More Hills Ahead? The Sudan's tortuous ascent to heights of peace*. The Hague: Netherlands Institute of International Relations, Clingendael Security Paper, No. 1, August 2005.
- Rolandsen, Øystein H. and Breidlid, Ingrid Marie, "A Critical Analysis of Cultural Explanations for the Violence in Jonglei State, South Sudan", *Conflict Trends*, Durban: The African Centre for the Constructive Resolution of Disputes, No. 1, 2012, pp. 49-56.
- Rolandsen, Øystein H., "The making of the Anya-Nya insurgency in the Southern Sudan, 1961-64", *Journal of Eastern African Studies*, Vol. 5, No. 2, May 2011, pp. 211-232.
- Rolandsen, Øystein H. *Why is violence escalating in Southern Sudan?*. Oslo: Noref Policy Brief, No. 2, February 2010.
- Rolandsen, Øystein H. *Land, Security and Peace Building in the Southern Sudan*. Oslo: PRIO Paper, December 2009.
- Rolandsen, Øystein H. *Guerrilla government: political changes in the Southern Sudan during the 1990s*. Uppsala: Nordiska Afrikainstitutet, 2005.
- Ronan, Paul and Poffenberger, Michael. *Hidden in Plain Sight: Sudan's Harboring of the LRA in the Kafia Kingi Enclave, 2009-2013*. The Resolve LRA Crisis Initiative, Enough Project and Invisible Children, April 2013.
- Rone, Jemera. *Behind the Red Line: Political Repression in Sudan*. New York: Human Rights Watch, 1996.
- Rondinelli, Dennis A., "Administrative Decentralisation and Economic Development: the Sudan's Experiment with Devolution", *The Journal of Modern African Studies*, Vol. 19, No. 4, December 1981, pp. 595-624.
- Roque, Paula Cristina, "The SPLM: Political Transformation or Strategic Adaptation?", in Heinrich Böll Foundation and Weis, Toni (eds.) *Sudan after Separation. New Approaches to a New Region*. Vol. 28 in the publication series on democracy. Berlin: Heinrich Böll Foundation, 2012, pp. 68-80.
- Ross, Michael L., "The Political Economy of the Resource Curse", *World Politics*, Vol. 51, No. 2, Jan. 1999, pp. 297-322.
- Rotberg, Robert I. *When States Fail: Causes and Consequences*. Princeton, N.J.: Princeton University Press, 2004.
- Rousseau, Jean Jacques. *The Social Contract and Discourses*. Translated by G. D. H. Cole. New York/London: E.P. Dutton and Co./J.M. Dent and Sons, 1950 [1762].
- Rowe, Ian and Banal, Laurent. *Sudan: Assessment of the Disarmament and Demobilisation process*. United Nations Integrated DDR Unit, 28 November 2009.
- Run, Peter, "Sudan and South Sudan Still Suffering the Consequences of Divorce", in *Year One of a Nation: South Sudan's Independence – a compendium of pieces from e-International Relations*. December 2012, pp. 32-33.
- Rycx, Jean Francois, "The Islamisation of law as a political stake in Sudan", in Woodward, Peter (ed.) *Sudan after Nimeiri*. London: Routledge, 1991, pp. 139-143.
- Ryle, John, "Peoples & Cultures of Two Sudans", in Ryle, John; Willis, Justin; Baldo, Suliman and Jok, Jok Madut (eds.) *The Sudan Handbook*. Oxford: James Currey, 2011, pp. 31-42.

- Sachs, Albie and Welch, Gita Honwana. *Liberating the Law: Creating popular justice in Mozambique*. London: Zed Books, 1990.
- Sack, Robert David. *Human Territoriality: Its Theory and History*. New York: Cambridge University Press, 1986.
- Saeed, Abdalbasit. *Challenges Facing Sudan after Referendum Day 2011: Persistent and Emerging Conflict in the North-South Borderline States*. Bergen: Chr. Michelsen Institute, Sudan Report, No. 1, 2010.
- Said, Beshir Mohammed. *The Sudan: Crossroads of Africa*. London: The Bodley Head, 1965.
- Said, Edward W. *Orientalism*. New York: Vintage Books, 1979.
- Salam, A. H. Abdel and de Waal, Alex. *The Phoenix State: civil society and the future of Sudan*. Trenton, NJ: Red Sea Press, 2001.
- Salih, M.A. Mohamed, “‘New Wine in Old Bottles’: Tribal Militias, SPLA/SPLM and the Sudanese State”, *Review of African Political Economy*, Vol. 16, No. 45/46, 1989, pp. 168-174.
- Salman, Salman M.A., “South Sudan Road to Independence: Broken Promises and Lost Opportunities”, *Global Business & Development Law Journal*, Vol. 26, 2013, pp. 343-414.
- Salman, Salman M.A., “The new state of South Sudan and the hydropolitics of the Nile Basin”, *Water International*, Vol. 36, No. 2, 2011, pp. 154-166.
- Sandbrook, Richard. *Closing the circle: democratization and development in Africa*. Toronto: Between the Lines, 2000.
- Sanderson, Lilian P. and Sanderson, Neville. *Education, religion and politics in Southern Sudan 1899-1964*. London: Ithaca Press, 1981.
- Sanderson, Lilian P., “Education in the Southern Sudan: The Impact of Government-Missionary-Southern Sudanese Relationships upon the Development of Education during the Condominium Period, 1898-1956”, *African Affairs*, Vol. 79, No. 315, April 1980, pp. 157-169.
- Sangmpam, S. N., “The Overpoliticized State and Democratization: A Theoretical Model”, *Comparative Politics*, Vol. 24, No. 4, 1992, pp. 401-417.
- Sanneh, Lamin, “Religion, Politics, and National Integration: A Comparative African Perspective”, in Hunwick, John O. (ed.) *Religion and National Integration in Africa: Islam, Christianity, and Politics in the Sudan and Nigeria*. Evanston, IL: Northwestern University Press, 1992, pp. 151-166.
- Sansculotte-Greenidge, Kwesi and Tsuma, William. *The New Sudans: The First 100 Days*. Durban: Accord Policy & Practice Brief, No. 11, October 2011.
- Santschi, Martina. *State-Society interactions: From the Turkiyya to Independence*. Paper presented at the 56th Annual Meeting of the African Studies Association, Baltimore, November 2013.
- Santschi, Martina, “Between Community and Government: Traditional Authorities in post-conflict Southern Sudan”, *Tsantsa*, No. 15, 2010, pp. 108-111.
- Santschi, Martina, “Briefing: Counting ‘New Sudan’”, *African Affairs*, Vol. 107, No. 429, 2008, pp. 631-640.

Sarkin, Jeremy, "The Tension between Justice and Reconciliation in Rwanda: Politics, Human Rights, Due Process and the Role of the *Gacaca* Courts in Dealing with the Genocide", *Journal of African Law*, Vol. 45, No. 2, 2001, pp. 143-172.

Satellite Sentinel Project. *Continued Violations: Both Sudans Still Violating Demilitarized Border Zone*. September 2013.

Sawadago, Raogo Antoine. *L'État africain face à la décentralisation*. Paris: Karthala, 2001.

Scherr, Kathrin Maria, "Legal Implications of Sudan's Separation: the Question of Citizenship", in Heinrich Böll Foundation and Weis, Toni (eds.) *Sudan after Separation. New Approaches to a New Region*. Vol. 28 in the publication series on democracy. Berlin: Heinrich Böll Foundation, 2012, pp. 100-103.

Schlichte, Klaus. *In the Shadow of Violence: The Politics of Armed Groups*. Frankfurt and New York: Campus Verlag, 2009.

Schlichte, Klaus. *Der Staat in der Weltgesellschaft: politische Herrschaft in Asien, Afrika und Lateinamerika*. Frankfurt: Campus-Verlag, 2005.

Schmitt, Carl, "Staat als ein konkreter, an eine geschichtliche Epoche gebundener Begriff", in Schmitt, Carl. *Verfassungsrechtliche Aufsätze aus den Jahren 1924 - 1954: Materialien zu einer Verfassungslehre*. Berlin: Duncker & Humblot, 1958, pp. 375-385.

Schmitt, Carl, "Die Lage der europäischen Rechtswissenschaft", in Schmitt, Carl. *Verfassungsrechtliche Aufsätze aus den Jahren 1924 - 1954: Materialien zu einer Verfassungslehre*. Berlin: Duncker & Humblot, 1958, pp. 386-429.

Scholte, Jan Aart. *Globalization: A Critical Introduction*. Basingstoke: Macmillan, 2000.

Schomerus, Mareike and Titeca, Kristof, "Deals and Dealings: Inconclusive Peace and Treacherous Trade along the South Sudan-Uganda Border", *Africa Spectrum*, Vol. 47, Nos. 2-3, 2012, pp. 5-31.

Schomerus, Mareike, "'They forget what they came for': Uganda's army in Sudan", *Journal of Eastern African Studies*, Vol. 6, No. 1, February 2012, pp. 124-153.

Schomerus, Mareike and Allen, Tim. *Southern Sudan at odds with itself: Dynamics of conflict and predicaments of peace*. London: DESTIN, 2010.

Schraeder, Peter J., "Understanding the 'Third Wave' of Democratization in Africa", *The Journal of Politics*, Vol. 57, No. 4, November 1995, pp. 1160-1168.

Schubert, Frank, "Die kolonialen Wurzeln nachkolonialer Gewalt. Die Entstehung von *Martial Tribes* und politischer Ethnizität in Uganda", in Kruke, Anja (ed.) *Dekolonisation: Prozesse und Verflechtungen, 1945 - 1990*. Bonn: Dietz Nachf., 2008, pp. 275-294.

Schulz, Dorothea E., "Mesmerizing 'Missis', Nationalist Musings. Beauty Pageants and the Public Controversy over 'Malian' Womanhood", *Paideuma*, Vol. 46, 2000, pp. 111-135.

Schulz, Martin, "Staat", in Rehfus, Wulff D. (ed.) *Handwörterbuch Philosophie*. Göttingen: Vandenhoeck & Ruprecht, 2003, pp. 626-627.

Scott, Jennifer; Averbach, Sarah; Modest, Anna Merport; Hacker, Michele R.; Cornish, Sarah; Spencer, Danielle; Murphy, Maureen and Parmar, Parveen, "An assessment of gender inequitable norms and gender-based violence in South Sudan: a community-based participatory research approach", *Conflict and Health*, Vol. 7, No. 4, 2013, pp. 1-11.

- Scott, Philippa, "The Sudan Peoples' Liberation Movement (SPLM) and Liberation Army (SPLA)", *Review of African Political Economy*, No. 33, War and Famine, Aug. 1985, pp. 69-82.
- Scroggins, Deborah. *Emma's War: Love, Betrayal and Death in the Sudan*. New York: HarperCollins, 2003.
- Seiler-Dietrich, Almut, "Sudanesische Literatur", in Chiari, Bernhard (ed.) *Sudan – Wegweiser zur Geschichte*. Paderborn: Schöningh, 2008, pp. 171-176.
- Senghor, Léopold, "On African Homelands and Nation-States, Negritude, Assimilation, and African Socialism", in English, Parker and Kalumba, Kibujjo M. (eds.) *African Philosophy: A Classical Approach*. Upper Saddle River, NJ: Prentice Hall, 1996, pp. 43-56.
- Seri-Hersch, Iris, "La modernité dans l'historiographie du Soudan", *Cahiers d'Études africaines*, Vol. 52, No. 208, 2012, pp. 905-935.
- Shankleman, Jil. *Oil and State Building in South Sudan: New Country, Old Industry*. Washington: United States Institute of Peace, Special Report No. 282, July 2011.
- Shanmugaratnam, Nadarajah (ed.) *Between war & peace in Sudan & Sri Lanka: deprivation & livelihood revival*. Oxford: James Currey, 2008.
- Shanmugaratnam, Nadarajah. *Post-War Development and the Land Question in South Sudan*. Paper presented at International Symposium on Resources under Stress, Afrasian Centre for Peace and Development: Kyoto, Japan, February 2008.
- Sharkey, Heather J., "Language and Conflict: The Political History of Arabisation in Sudan and Algeria", *Studies in Ethnicity and Nationalism*, Vol. 12, No. 3, 2012, pp. 427-449.
- Sharkey, Heather J., "Arab Identity and Ideology in Sudan: The Politics of Language, Ethnicity, and Race", *African Affairs*, Vol. 107, No. 426, December 2007, pp. 21-43.
- Sharkey, Heather J., "Colonialism, Character-building and the Culture of Nationalism in the Sudan, 1898-1956", in Le Sueur, James D. (ed.) *The Decolonization Reader*. New York & London: Routledge, 2003, pp. 218-235.
- Shaw, Archibald, "Jieng (Dinka) Songs", *Man*, Vol. 17, 1917, pp. 46-50.
- Shaxson, Nicholas, "Oil, corruption and the resource curse", *International Affairs*, Vol. 83, No. 6, 2007, pp. 1123-1140.
- Shimanyula, James Bandi. *John Garang and the SPLA*. Nairobi: Africawide Network, 2005.
- Sid-Ahmad, Muhammad. *English as a Marker of Southern Sudanese Nationalism: Social History, Politics and Language in the Sudan*. 2007.
- Simatei, Tirop Peter. *The Novel and the Politics of Nation Building in East Africa*. Bayreuth: Bayreuth University, 2001.
- Simonse, Simon. *Human security in the borderlands of Sudan, Uganda and Kenya*. Utrecht & Nairobi: IKV Pax Christi & Seeds of Peace Africa International, July 2011.
- Simpson, Andrew, "Introduction", in Simpson, Andrew (ed.) *Language and national identity in Africa*. Oxford: Oxford University Press, 2008, pp. 1-25.
- Sinclair, Paul J. J.; Morais, João Manuel F.; Adamowicz, Leonardo and Duarte, Ricardo Teixeira, "A perspective on archaeological research in Mozambique", in Shaw, Thurstan; Sinclair, Paul; Andah,

Bassey and Okpoko, Alex (eds.) *The Archaeology of Africa: Food, metals and towns*. London and New York: Routledge, 1993, pp. 409-431.

Sindjoun, Luc, "L'Afrique au prisme des relations internationales", in Gazibo, Mamoudou and Thiriot, Céline (eds.) *Le politique en Afrique: état des débats et pistes de recherche*. Paris: Karthala, 2009, pp. 319-341.

Singh, Param-Preet. *Turning Rhetoric into Reality: Accountability for Serious International Crimes in Côte d'Ivoire*. Human Rights Watch, April 2013.

Sithole, Ndabaningi. *African Nationalism*. 2nd edition. London: Oxford University Press, 1968.

Skalnik, Peter, "Rethinking Chiefdoms", in Bellagamba, Alice and Klute, Georg (eds.) *Beside the State. Emergent Powers in Contemporary Africa*. Köln: Rüdiger Köppe, 2008, pp. 183-196.

Skedsmo, Arild; Danhier, Kwong and Gor Luak, Hoth, "The Changing Meaning of Small Arms in Nuer Society", *African Security Review*, Vol. 12, No. 4, 2003, pp. 57-67.

Sklar, Richard L., "Political Science and National Integration – A Radical Approach", *Journal of Modern African Studies*, Vol. 5, No. 1, 1967, pp. 1-11.

Small Arms Survey. *Pendulum swings: The rise and fall of insurgent militias in South Sudan*. Geneva: Sudan Issue Brief, No. 22, November 2013.

Small Arms Survey. *Reaching for the gun: Arms flows and holdings in South Sudan*. Geneva: Sudan Issue Brief, No. 19, April 2012.

Small Arms Survey. *DDR in South Sudan*. Geneva: Human Security Baseline Assessment, 20 September 2011.

Smidt, Wolbert, "Schwarze Königreiche von der Antike bis zur kolonialen Unterwerfung", in Chiari, Bernhard (ed.) *Sudan – Wegweiser zur Geschichte*. Paderborn: Schöningh, 2008, pp. 17-25.

Smith, Anthony D. *Nationalism and modernism: a critical survey of recent theories of nations and nationalism*. London: Routledge, 1998.

Smith, Anthony D., "State-Making and Nation-Building", in Hall, John A. (ed.) *States in History*. Oxford: Basil Blackwell, 1986, pp. 228-263.

Smith, Anthony D. *State and Nation in the Third World: The Western State and African Nationalism*. New York: St Martin's Press, 1983.

Smith, Jennifer and Charny, Joel R. *Sudan: Preventing Violence and Statelessness as Referendum Approaches*. Washington, DC: Refugees International, 29 June 2010.

Smoke, Paul, "Decentralisation in Africa: Goals, dimensions, myths and challenges", *Public Administration and Development*, Vol. 23, No. 1, 2003, pp. 7-16.

Snowden, John A. *Work in Progress - Security Force Development in South Sudan through February 2012*. Geneva: Small Arms Survey, June 2012.

Snyder, Jack. *From voting to violence: democratization and nationalist conflict*. New York: Norton, 2000.

Söderbaum, Fredrik and Taylor, Ian, "State, region and space in Africa", in Engel, Ulf and Nugent, Paul (eds.) *Reshaping Africa*. Leiden: Brill, 2010, pp. 45-70.

- Sommers, Marc and Schwartz, Stephanie. *Dowry and Division: Youth and State Building in South Sudan*. Washington: United States Institute of Peace, Special Report No. 295, November 2011.
- Sommers, Marc. *Islands of education: Schooling, civil war and the Southern Sudanese (1983-2004)*. Paris: International Institute for Educational Planning, UNESCO, 2005.
- Sonderegger, Arno; Grau, Ingeborg and Eckert, Andreas, "Einleitung. Afrika 1500-1900", in Eckert, Andreas; Grau, Ingeborg and Sonderegger, Arno (eds.) *Afrika 1500-1900: Geschichte und Gesellschaft*. Wien: Promedia, 2010, pp. 9-22.
- Sørensen, Georg, "An analysis of contemporary statehood: consequences for conflict and cooperation", *Review of International Studies*, 1997, Vol. 23, No. 3, pp. 253–269.
- Soubotina, Tatyana P. *Economic Growth: An Introduction to Sustainable Development*. 2nd edition. Washington, D.C.: The World Bank, 2004.
- Southern Sudan Anti-Corruption Commission. *Southern Sudan Anti-Corruption Strategy, 2010 – 2014: Towards A Corruption-Free Southern Sudan*. Rumbek, September 2009.
- Southern Sudan Anti-Corruption Commission. *Perception Survey on Corruption*. Juba, December 2007.
- Southern Sudan Centre for Census, Statistics and Evaluation. *Southern Sudan Counts: Tables from the 5th Sudan Population and Housing Census, 2008*. Juba, 19 November 2010.
- Southern Sudan Demobilization, Disarmament and Reintegration Commission. *DDR in Southern Sudan – Lessons Learned and Challenges ahead of the Referendum*. Final Communiqué, Juba, 16 November 2010.
- Southern Sudan Referendum Act 2009*. Draft Translation, 21 February 2010.
- South Sudan Human Rights Commission. *Interim Report on South Sudan Internal Conflict December, 15, 2013 – March 15, 2014*. Juba, 20 March 2014.
- South Sudan Peace and Reconciliation Commission. *Strategic Plan 2013 – 2015*. Juba, January 2013.
- Soux, Susan. *Southern Sudan: Local Governance in Complex Environments. Project Assessment*. The DGTTF Lessons Learned Series, UNDP, May 2010.
- Spear, Thomas, "Neo-Traditionalism and the Limits of Invention in British Colonial Africa", *The Journal of African History*, Vol. 44, No. 1, 2003, pp. 3-27.
- Spellman, William M. *Uncertain Identity: International Migration since 1945*. London: Reaktion Books, 2008.
- Spitulnik, Debra, "Mediating Unity and Diversity: The Production of Language Ideologies in Zambian Broadcasting", in Schieffelin, Bambi B.; Woolard, Kathryn A. and Kroskrity, Paul V. (eds.) *Language Ideologies: Practice and Theory*. New York et al: Oxford University Press, 1998, pp. 163-188.
- Spivak, Gayatri Chakravorty, "Can the Subaltern Speak?", in Nelson, Cary and Grossberg, Lawrence (eds.) *Marxism and the Interpretation of Culture*. Chicago: University of Illinois Press, 1988, pp. 271-317.
- SPLM. *The Constitution of the Sudan Peoples' Liberation Movement (Draft)*. 2012.
- SPLM. *SPLM Manifesto (Draft)*. 2012.

- SPLM. *The Constitution of the Sudan People's Liberation Movement SPLM*. May, 2008.
- SPLM. *SPLM 2nd National Convention*. Juba, May 2008.
- SPLM. *The SPLM Manifesto*. May 2008.
- Srinivasan, Sharath, "Negotiating violence: Sudan's peacemakers and the war in Darfur", *African Affairs*, Vol. 113, No. 450, January 2014, pp. 24-44.
- Stahn, Carsten, "Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?", *The American Journal of International Law*, Vol. 101, No. 1, Jan. 2007, pp. 99-120.
- Stary, Bruno, "Un no man's land forestier de l'artifice à l'artificialité: l'étatisation de la frontière Côte-d'Ivoire-Ghana", *Les Cahiers d'Outre-Mer*, No. 222, April-June 2003, pp. 199-228.
- Stiansen, Endre, "How Important is Religion? The Case of the Sudan Peace Negotiations", *Oslo Forum06*, Centre for Humanitarian Dialogue, 2006, pp. 35-39.
- Stone, Lydia. *Failures and opportunities: Rethinking DDR in South Sudan*. Geneva: Small Arms Survey, Sudan Issue Brief, No. 17, May 2011.
- Straus, Scott, "Wars do end! Changing patterns of political violence in sub-Saharan Africa", *African Affairs*, Vol. 111, No. 443, April 2012, pp. 179-201.
- Stringham, Noel. *Names as Archives: a Unifying Discourse of History for South Sudan*. Paper presented at the Sudanese Studies Association 33rd Annual Conference in San Francisco, May 2014.
- Sudanese Nationality Act (Amendment) 2011*. 10 August, 2011.
- Sudan Media and Elections Consortium. *Southern Sudan referendum 2011: Monitoring of media coverage*. Copenhagen: International Media Support Group, June 2011.
- Sureau, Timm, "New forms of exclusion in Torit: Contestation over urban land", in Grawert, Elke (ed.) *Forging Two Nations: Insights on Sudan and South Sudan*. Addis Ababa: OSSREA, 2013, pp. 143-159.
- Suret-Canale, Jean, "La Fin de la Chefferie en Guinée", *The Journal of African History*, Vol. 7, No. 3, Nov. 1966, pp. 459-493.
- Suttner, Raymond, "Introduction", in Suttner, Raymond (ed.) *Africa in the New Millennium*. Uppsala: Nordiska Afrikainstitutet, Discussion Paper No. 13, 2001, pp. 5-11.
- Tangri, Roger. *The Politics of Patronage in Africa: parastatals, privatization and private enterprise*. Oxford: James Currey, 1999.
- Taylor, Ian and Williams, Paul D., "Political Culture, State Elites and Regional Security in West Africa", *Journal of Contemporary African Studies*, Vol. 26, No. 2, 2008, pp. 137-149.
- Tar, Usman A. *The politics of neoliberal democracy in Africa: state and civil society in Nigeria*. London: I.B. Tauris, 2009.
- Tavolato, Umberto, "En finir avec les frontières coloniales? L'Union africaine et la sécession du Sud-Soudan", *Politique Africaine*, No. 122, June 2011, pp. 101-119.
- Temin, Jon and Woocher, Lawrence. *Learning from Sudan's 2011 Referendum*. Washington: United Institute of Peace, Special Report, No. 303, March 2012.

- Temin, Jon. *Secession and Precedent in Sudan and Africa*. Washington: United Institute of Peace, Peace Brief, No. 68, 17 November 2010.
- Tettey, Wisdom J., "The media and democratization in Africa: contributions, constraints and concerns of the private press", *Media, Culture & Society*, Vol. 23, No. 1, 2001, pp. 5-31.
- Tetzlaff, Rainer and Jakobeit, Cord. *Das nachkoloniale Afrika*. Wiesbaden: Verlag für Sozialwissenschaften, 2005.
- Tetzlaff, Rainer, "Staat und Gesellschaft in Afrika: ein prekäres Verhältnis im Wandel", in Schulz, Manfred (ed.) *Entwicklung: die Perspektive der Entwicklungssoziologie*. Opladen: Westdeutscher Verlag, 1997, pp. 127-152.
- Theobald, Alan B. *The Mahdiya: A History of the Sudan 1881-1899*. London: Longmans, Green and Co, 1951.
- Theobald, Robin, "Patrimonialism", *World Politics*, Vol. 34, No. 4, July 1982, pp. 548-559.
- The Brenthurst Foundation. *'Everything is at Zero': Beyond the Referendum – Drivers and Choices for Development in Southern Sudan*. Marshalltown: Discussion Paper, May 2010.
- The Carter Center. *Observing Sudan's 2010 National Elections April 11-18 2010*. Final Report, Atlanta, 2010.
- The Comprehensive Peace Agreement Between The Government of The Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army*. Naivasha, 9 January 2005.
- The Kamuto Declaration*. Kamuto, Kapoeta County, New Sudan, 29 June – 10 July 2004.
- The Local Government Act, 2009*. Laws of Southern Sudan.
- The Oakland Institute. *Understanding land investment deals in Africa. Country Report: South Sudan*. Oakland, November 2011.
- The Oxford English Dictionary*. Oxford et al.: Oxford University Press, 2012, available at: <http://www.oed.com/view/Entry/189241?rskey=bFUdmm&result=1&isAdvanced=false#eid> (accessed: 25 May 2012).
- The Personal Income Tax Act, 2007*. Acts Supplement to *The Southern Sudan Gazette*, No. 1, Vol. I, 10 February, 2009.
- The Republic of Sudan National Population Council. *Sudan Millennium Development Goals Progress Report 2010*. Khartoum, December 2010.
- Therkildsen, Ole, "Legitimacy, local governments and natural resource management in Sub-Saharan Africa", in Marcussen, Henrik Secher (ed.) *Institutional Issues in Natural Resources Management: With Special Reference to Arid and Semi-Arid Areas in Africa*. Roskilde: Roskilde University, International Development Studies, Occasional Paper No. 9, 1993, pp. 75-92.
- The Resolutions and Recommendations of The Dialogue between SPLM and Southern Political Parties*. Nyokuron, Juba, 8-13 November 2008.
- The Sudanese Group for Democracy and Elections (SuGDE) and the Sudanese Network for Democratic Elections (SuNDE). *Elections Statement*. 24 April 2010.
- The Sudd Institute. *Peace and Reconciliation in South Sudan: A Conversation for Justice and Stability*. Special Report, Juba, 7 June 2013.

The Transitional Constitution of the Republic of South Sudan, 2011.

Thiong'o, Ngugi wa. *Decolonizing the Mind: The Politics of Language in African Literature*. New Hampshire: Heinemann, 1986.

Thomas, Dominic Richard David. *Nation-building, Propaganda, and Literature in Francophone Africa*. Bloomington: Indiana University Press, 2002.

Thomas, Edward, "The New Governments in Juba and Khartoum – and How to Oppose Them", in Heinrich Böll Foundation and Weis, Toni (eds.) *Sudan after Separation. New Approaches to a New Region*. Vol. 28 in the publication series on democracy. Berlin: Heinrich Böll Foundation, 2012, pp. 21-34.

Thomas, Edward. *The Kafia Kingi Enclave: People, politics and history in the north-south boundary zone of western Sudan*. London: Rift Valley Institute, 2010.

Thomas, Edward. *Decisions and Deadlines: A Critical Year for Sudan*. Chatham House Report, January 2010.

Tidjani Alou, Mahaman, "La décentralisation en Afrique: un état des lieux de recherche en sciences sociales", in Gazibo, Mamoudou and Thiriou, Céline (eds.) *Le politique en Afrique: état des débats et pistes de recherche*. Paris: Karthala, 2009, pp. 185-207.

Tier, Akolda M. and Dhal, Abraham Matoc. *A case Study of: The Dinka-Nuer Conflict*. Khartoum: Ahfad University for Women, 2005.

Tilly, Charles, "Reflections on the History of European State-Making", in Tilly, Charles and Ardant, Gabriel (eds.) *The formation of national states in Western Europe*. Princeton, NJ: Princeton University Press, 1975, pp. 3-83.

Titeca, Kristof. *The Changing Cross-Border Trade Dynamics between north-western Uganda, north-eastern Congo and southern Sudan*. London: DESTIN, Crisis States Research Centre, Working Paper No. 63, November 2009.

Tong, Nyuol Lueth (ed.) *There Is a Country: New Fiction from the New Nation of South Sudan*. San Francisco: McSweeney's, 2013.

Topan, Farouk, "Tanzania: The Development of Swahili as a National and Official Language", in Simpson, Andrew (ed.) *Language and national identity in Africa*. Oxford: Oxford University Press, 2008, pp. 252-266.

Török, László. *The Kingdom of Kush: handbook of the Napatan-Meroitic civilization*. Leiden: Brill, 1997.

Touval, Saadia, "The Sources of Status Quo and Irredentist Policies", in Widstrand, Carl Gösta (ed.) *African boundary problems*. Uppsala: Scandinavian Institute of African Studies, 1969, pp. 101-118.

Touval, Saadia, "Partitioned Groups and Inter-State Relations" in Asiwaju, A. I. (ed.) *Partitioned Africans*. London: Hurst, 1985, pp. 223-232.

Toynbee, Arnold Joseph. *Between Niger and Nile*. London: Oxford University Press, 1965.

Transparency International. *Corruption Perceptions Index 2013*. Available at: <http://www.transparency.de/Tabellarisches-Ranking.2400.0.html> (accessed: 8 April 2014).

Traub, Rudolf. *Nigeria: Weltmarktintegration und sozialstrukturelle Entwicklung*. Hamburg: Institut für Afrikakunde, 1986.

Tripp, C. R. H., "Sudan: State and Elite", *Journal of the International African Institute*, Vol. 67, No. 1, 1997, pp. 159-173.

Triulzi, Alessandro and Ercolessi, M. Cristina, "Introduction", in Triulzi, Alessandro and Ercolessi, M. Cristina (eds.) *State, Power, and New Political Actors in Postcolonial Africa*. Milan: Fondazione Feltrinelli, 2004, pp. IX-XL.

Tubiana, Jérôme. *Renouncing the Rebels: Local and Regional Dimensions of Chad-Sudan Rapprochement*. Geneva: Small Arms Survey, March 2011.

Tucker, A. N., "The Linguistic Situation in the Southern Sudan", *Africa: Journal of the International African Institute*, Vol. 7, No. 1, Jan. 1934, pp. 28-39.

Tull, Denis M. *Demokratisierung und Dezentralisierung in Senegal. Dezentralisierungsreformen und innenpolitische Entwicklung seit 1990*. Hamburg: Institut für Afrika-Kunde, 2001.

Tvedt, Terje, "The collapse of the state in Southern Sudan after the Addis Ababa Agreement: a study of internal causes and the role of the NGOs", in Harir, Sharif and Tvedt, Terje (eds.) *Short-Cut to Decay: the case of the Sudan*. Uppsala: Nordiska Afrikainstitutet, 1994, pp. 69–104.

Twaddle, Michael, "East African Asians through a hundred years", in Clarke, Colin (ed.) *South Asians overseas: migration and ethnicity*. Cambridge: Cambridge University Press, 2009, pp. 149-163.

Udogu, E. Ike, "Ethnicity and Theory in African Politics", in Udogu, E. Ike (ed.) *The Issue of Political Ethnicity in Africa*. Aldershot: Ashgate, 2001, pp. 13-34.

Unger, Barbara and Wils, Oliver. *Systemic Conflict Transformation and Inclusive Governance in Southern Sudan*. Berlin: Berghof Foundation for Peace Support, May 2007.

United Nations. *Declaration on the Granting of Independence to Colonial Countries and Peoples*. General Assembly resolution 1514 (XV), 14 December 1960.

UNDP. *Community Consultation Report, Warrap State, South Sudan*. Juba: UNDP, South Sudan Bureau for Community Security and Small Arms Control, South Sudan Peace and Reconciliation Commission, May 2012.

UNDP. *Creating opportunities for Youth Employment in Sudan*. Joint Programme Document, Sudan, 2008.

United Nations Group of Experts on the Democratic Republic of Congo. *Final Report*. 22 January 2014.

United Nations Human Rights Council. *Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman*. New York, 22 August 2011.

United Nations Mission in South Sudan (UNMISS). *Conflict in South Sudan: A Human Rights Report*. 8 May 2014.

United Nations Mission in South Sudan (UNMISS). *Interim Report on Human Rights Crisis in South Sudan. Report Coverage 15 December 2013 – 31 January 2014*. 21 February 2014.

United Nations Mission in South Sudan (UNMISS). *Report on the 8 February 2013 attack on Lou Nuer pastoralists in Akobo West Sub-County, Jonglei State*. April 2013.

United Nations Mission in South Sudan (UNMISS). *Incidents of inter-communal violence in Jonglei state*. June 2012.

United Nations Office for the Coordination of Humanitarian Affairs (OCHA). *South Sudan: Consolidated Appeal Mid-Year Review 2012*. 30 June 2012.

United States Department of State. *Country Reports on Human Rights Practices for 2011: South Sudan*. Washington: Bureau of Democracy, Human Rights and Labour, 2012.

USAID. *Government of Southern Sudan: Functional Capacity Prioritization Study*. Washington, 3 December 2009.

Vail, Leroy and White, Landeg, "Tribalism in the Political History of Malawi", in Vail, Leroy (ed.) *The Creation of Tribalism in Southern Africa*. London/Berkeley: Currey/University of California Press, 1989, pp. 151-187.

van de Walle, Nicolas. *African economies and the politics of permanent crisis: 1979 - 1999*. Cambridge: Cambridge University Press, 2001.

van Hensbroek, Pieter Boele. *Political Discourses in African Thought: 1860 to the Present*. Westport: Praeger, 1999.

van Rouveroy van Nieuwaal, Emile A. B., "Chiefs and African States: Some Introductory Notes and an Extensive Bibliography of African Chieftaincy", *Journal of Legal Pluralism and Unofficial Law*, Vol. 19, Nos. 25-26, 1987, pp. 1-46.

Vaughan, Christopher. *Nomadic frontiers and state boundaries: Malual and Rizeigat on the Sudan-South Sudan border*. Paper presented in panel 'The politics of history in contemporary African border disputes', at the 5th European Conference on African Studies, Lisbon, 2013.

Verhoeven, Harry, "The logic of war and peace in Sudan", *Journal of Modern African Studies*, Vol. 49, No. 4, 2011, pp. 671-684.

Villalón, Leonardo Alfonso, "The African State at the End of the Twentieth Century: Parameters of the Critical Juncture", in Villalón, Leonardo Alfonso and Huxtable, Phillip A. (eds.) *The African state at a critical juncture: between disintegration and reconfiguration*. Boulder, CO: Lynne Rienner, 1998, pp. 3-25.

Vlassenroot, Koen, "Négocié et contesté l'ordre public dans l'Est de la République démocratique du Congo", *Politique Africaine*, No. 111, Oct. 2008, pp. 44-67.

Vondoepp, Peter, "The Problem of Judicial Control in Africa's Neopatrimonial Democracies: Malawi and Zambia", *Political Science Quarterly*, Vol. 120, No. 2, Summer 2005, pp. 275-301.

von Trotha, Trutz, "Jenseits des Staates: Neue Formen politischer Herrschaft", in Akude, John Emeka; Daun, Anna; Egner, David and Lambach, Daniel (eds.) *Politische Herrschaft jenseits des Staates*. Wiesbaden: VS Verlag für Sozialwissenschaften, 2011, pp. 25-50.

von Trotha, Trutz, "From Administrative to Civil Chieftaincy: Some Problems and Prospects of African Chieftaincy", *Journal of Legal Pluralism and Unofficial Law*, Vol. 28, Nos. 37-38, 1996, pp. 79-107.

Wai, Dunstan M., "Pax Britannica and the Southern Sudan: The View from the Theatre", *African Affairs*, Vol. 79, No. 316, 1980, pp. 375-395.

Wainaina, Binyavanga, "How to Write about Africa", *Granta*, No. 92, Winter 2005.

- Walker, Scott, "Instability in Mali", *New Zealand International Review*, Vol. 38, No. 4, 2013, pp. 10-12.
- Wallerstein, Immanuel. *The Modern World System I: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century. With a new prologue*. Berkeley et al.: University of California Press, 2011.
- Walraet, Anne, "Governance, violence and the struggle for economic regulation in South Sudan: the case of Budi County (Eastern Equatoria)", *Afrika Focus*, Vol. 21, No. 2, 2008, pp. 53-70.
- Walther, Helmut G., "Die Gegner Ockhams", in Göhler, Gerhard; Lenk, Kurt; Münkler, Herfried and Walther, Manfred (eds.) *Politische Institutionen im gesellschaftlichen Umbruch: ideengeschichtliche Beiträge zur Theorie politischer Institutionen*. Opladen: Westdeutscher Verlag, 1990, pp. 113-139.
- Walzer, Michael. *On Toleration*. New Haven: Yale University Press, 1997.
- Wantchekon, Leonard, "Clientelism and Voting Behavior: Evidence from a Field Experiment in Benin", *World Politics*, Vol. 55, No. 3, April 2003, pp. 399-422.
- Warburg, Gabriel. *Islam, sectarianism and politics in Sudan since the Mahdiyya*. London: Hurst, 2003.
- Warburg, Gabriel, "Mahdism and Islamism in Sudan", *International Journal of Middle East Studies*, Vol. 27, No. 2, May 1995, pp. 219-236.
- Warner, Carolyn M., "The rise of the state system in Africa", *Review of International Studies*, Vol. 27, No. 5, 2001, pp. 65-89.
- Warner, Carolyn M., "The Political Economy of 'quasi-statehood' and the demise of 19th century African politics", *Review of International Studies*, Vol. 25, No. 2, 1999, pp. 233-255.
- Waters, Esther and Call, Geneva. *No standing, few prospects: How peace is failing South Sudanese female combatants and WAAFG*. Geneva: Small Arms Survey, Sudan Issue Brief, No. 13, September 2008.
- Weber, Annette, "Women Without Arms: Gendered Fighter Constructions in Eritrea and Southern Sudan", *International Journal of Conflict and Violence*, Vol. 5, No. 2, 2011, pp. 357-370.
- Weber, Annette. *Kriege ohne Grenzen und das "erfolgreiche Scheitern" der Staaten am Horn von Afrika*. Berlin: SWP Report, September 2008.
- Weber, Cynthia. *Simulating Sovereignty. Intervention, the State and Symbolic Exchange*. New York: Cambridge University Press, 1994.
- Weber, Eugen. *Peasants into Frenchmen: The Modernization of Rural France, 1870-1914*. Stanford: Stanford University Press, 1976.
- Weber, Max. *Economy and Society: An outline of Interpretive Sociology*, Vol. 2. Translated and edited by Guenther Roth and Claus Wittich. Berkeley and Los Angeles: University of California Press, 1968 [1913].
- Weber, Max. *Die "Objektivität" sozialwissenschaftlicher und sozialpolitischer Erkenntnis*. Schutterwald: Wissenschaftlicher Verlag, 1995 [1904].
- Weber, Max, "Politics as Vocation", in Gerth, H.H. and Mills, C. Wright (eds.) *From Max Weber: Essays in Sociology*. New York: Oxford University Press, 1946 [1918], pp. 77-128.
- Weinacht, Paul-Ludwig, "Staat", in Kolmer, Petra and Wildfeuer, Armin G. (eds.) *Neues Handbuch philosophischer Grundbegriffe. Band 3*. Freiburg: Karl Alber, 2011, pp. 2090-2108.

- Weiss, Herbert F. and Carayannis, Tatiana, "The Enduring Idea of the Congo" in Larémont, Ricardo René (ed.) *Borders, nationalism, and the African state*. Boulder: Lynne Rienner, 2005, pp. 135-177.
- Weiss, Peter. *Abschied von den Eltern – Fluchtpunkt. Zwei Romane*. Darmstadt: Moderner Buch-Club, 1964.
- Werbner, Richard, "Challenging Minorities, Difference and Tribal Citizenship in Botswana", *Journal of Southern African Studies*, Vol. 28, No. 4, 2002, pp. 671-684.
- Wesseling, Hendrik L. *Divide and rule: the partition of Africa 1880 – 1914*. Westport, Conn.: Praeger, 1996.
- Wezeman, Pieter D.; Wezeman, Siemon T. and Béraud-Sudreau, Lucie. *Arms Flows to Sub-Saharan Africa*. Stockholm: SIPRI Policy Paper, No. 30, December 2011.
- Wheeler, Andrew, "Finding Meaning amid the Chaos: Narratives of Significance in the Sudanese Church", in Kastfelt, Niels (ed.) *Religion and African Civil Wars*. London: Hurst and Company, 2005, pp. 54-81.
- Widner, Jennifer A. *Building the Rule of Law: Francis Nyalali and the Road to Judicial Independence in Africa*. London: Norton & Company, 2001.
- Willems, Rens and Rouw, Hans. *Security Promotion Seen from Below: Experiences from South Sudan*. The Hague: Working Group Community Security and Community-based DDR in Fragile States, September 2011.
- Wilkins, Dana. *Affirming Accountability: Transparency and Independent Verification in South Sudan's New Petroleum Law*. London: Global Witness, May 2011.
- Williams, Donald C., "Reconsidering State and Society in Africa: The Institutional Dimension in Land Reform Policies", *Comparative Politics*, Vol. 28, No. 2, Jan. 1996, pp. 207-224.
- Williamson, John, "Democracy and the 'Washington Consensus'", *World Development*, Vol. 21, No. 8, 1993, pp. 1329-1336.
- Willis, Justin and El Battahani, Atta, "'We changed the Laws': Electoral Practice and Malpractice in Sudan since 1953", *African Affairs*, Vol. 109, No. 435, 2010, pp. 191-212.
- Willis, Justin, "Review article: The Dinka and History", *The Journal of African History*, Vol. 46, No. 2, July 2005, pp. 340-341.
- Wilson, Jacqueline. *Local Peace Processes in Sudan and South Sudan*. Washington: United States Institute of Peace, Peaceworks No. 97, May 2014.
- Wilson, Richard A. *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State*. Cambridge et al.: Cambridge University Press, 2001.
- Winkler, Heinrich August. *Geschichte des Westens. Von den Anfängen in der Antike bis zum 20. Jahrhundert*. München: Beck, 2009.
- Winkler, Nina. *Psycho-social intervention needs among ex-combatants in Southern Sudan*. Southern Sudan DDR Commission and Bonn International Center for Conversion (BICC), Juba, November 2010.
- Winter, Roger and Prendergast, John. *Abyei: Sudan's Kashmir*. ENOUGH Strategy Paper, No. 11, January 2008.

- Wiseman, John A., "Leadership and Personal Danger in African Politics", *Journal of Modern African Studies*, Vol. 31, No. 4, 1993, pp. 657-660.
- Wirz, Albert, "Körper, Kopf und Bauch. Zum Problem des kolonialen Staates im subsaharischen Afrika", in Reinhard, Wolfgang and Müller-Luckner, Elisabeth (eds.) *Verstaatlichung der Welt? Europäische Staatsmodelle und außereuropäische Machtprozesse*. München: Oldenbourg, 1999, pp. 253-272.
- Wohlmuth, Karl. *Towards A Strategic Framework for Economic Cooperation between Sudan and South Sudan*. Revised and Extended Version of a Paper submitted at a Plenary Session of the 9th International South Sudan and Sudan Studies Conference, Bonn, 23-25 July, 2012.
- Wol Wol, Lawrence. *Réflexions sur la conscience nationale au Sud-Soudan*. Doctoral dissertation, University of Bordeaux-iii, 1971.
- Wolff, Stephan, "Dokumenten- und Aktenanalyse", in Flick, Uwe; von Kardorff, Ernst and Steinke, Ines (eds.) *Qualitative Forschung: Ein Handbuch*. Reinbek: Rowohlt, 2010 (8th edition), pp. 502-513.
- Wood, Geoffrey, "Business and Politics in a Criminal State: The Case of Equatorial Guinea", *African Affairs*, Vol. 103, No. 413, 2004, pp. 547-567.
- Woodward, Peter, "Peacemaking in Sudan", in Furley, Oliver and May, Roy (eds.) *Ending Africa's Wars: Progressing to Peace*. Aldershot: Ashgate, 2006, pp. 167-178.
- Woodward, Peter. *Sudan 1898-1989: The Unstable State*. Boulder: Lynne Rienner, 1990.
- World Bank. *South Sudan: The World Bank Country Survey FY 2013*. Washington D.C.: Report of Findings, March 2013.
- World Bank. *Public Finance Management Assessment: South Sudan. Based on the Public Expenditure Financial Accountability Framework (PEFA)*. Washington, D.C.: Report No. 78288-SS, 31 May 2012.
- World Bank. *World Development Report 2011: Conflict, Security, and Development*. Washington, D.C., 2011.
- World Bank. *Africa's Future and the World Bank's Support to It*. Washington D.C., March 2011.
- World Bank. *Southern Sudan - Enabling the state: estimating the non oil revenue potential of state and local governments*. Washington D.C., June 2010.
- World Bank. *Sudan: Strengthening Good Governance for Development Outcomes in Southern Sudan: Issues and Options*. Washington D.C.: Public Sector Reform and Capacity Building Unit Africa Region, Report No. 48997-SD, April 2010.
- World Bank. *Sudan Public Expenditure Review: Synthesis Report*. Washington DC, December 2007.
- World Health Organization. *Health response to the conflict in South Sudan*. 6 January 2014.
- Wrong, Michela. *It's Our Turn to Eat: The Story of a Kenyan Whistle-Blower*. London: HarperCollins, 2009.
- Wunsch, James S. and Olowu, Dele (eds.) *The failure of the centralized state: Institutions and self-governance in Africa*. Boulder, CO: Westview, 1990.
- Yates, Douglas A. *The Rentier State in Africa: oil rent dependency and neo-colonialism in the Republic of Gabon*. Trenton NJ: Africa World Press, 1996.

- Ylönen, Aleks, "Limits of 'Peace through Statebuilding' in Southern Sudan: Challenges to State Legitimacy, Governance and Economic Development during the Comprehensive Peace Agreement Implementation, 2005-2011", *Journal of Conflictology*, Vol. 3, No. 2, 2012, pp. 28-40.
- Yongo-Bure, Benaiah, "Marginalization and War: From the South to Darfur", in Hassan, Salah M. and Ray, Carina E. (eds.) *Darfur and the Crisis of Governance in Sudan. A Critical Reader*. Ithaca, NY: Cornell University Press, 2009, pp. 68-83.
- Young, Crawford, "Nation, Ethnicity, and Citizenship: Dilemmas of Democracy and Civil Order in Africa", in Dorman, Sara; Hammett, Daniel and Nugent, Paul (eds.) *Making Nations, Creating Strangers. States and Citizenship in Africa*. Leiden: Brill, 2007, pp. 241-264.
- Young, Crawford. *The African Colonial State in Comparative Perspective*. New Haven and London: Yale University Press, 1994.
- Young, Crawford, "The End of the Post-colonial State in Africa? Reflections on Changing African Political Dynamics", *African Affairs*, Vol. 103, No. 410, 2004, pp. 23-49.
- Young, John. *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process*. London: Zed Books, 2012.
- Young, John, "Sudan: The Incomplete Transition from the SPLA to the SPLM", in de Zeeuw, Jeroen (ed.) *From Soldiers to Politicians. Transforming Rebel Movements after Civil War*. Boulder: Lynne Rienner, 2008, pp. 157-178.
- Young, John. *The South Sudan Defence Forces in the Wake of the Juba Declaration*. Geneva: Small Arms Survey, November 2006.
- Young, John, "Sudan: Liberation Movements, Regional Armies, Ethnic Militias & Peace", *Review of African Political Economy*, Vol. 30, No. 97, The Horn of Conflict, Sep. 2003, pp. 423-434.
- Young, John, "Le SPLM/SPLA et le gouvernement du Sud-Soudan", *Politique Africaine*, No. 88, December 2002, pp. 103-119.
- Zack-Williams, Alfred B., "Africa and the Project of Modernity: Some Reflections", in Uduku, Ola and Zack-Williams, Alfred B. (eds.) *Africa Beyond the Post-Colonial: Political and Socio-Cultural Identities*. Aldershot: Ashgate, 2004, pp. 20-38.
- Zakaria, Fareed. *The Future of Freedom: Illiberal Democracy at Home and Abroad*. New York: Norton, 2003.
- Zain, Mahmud El, "Tribe and Religion in the Sudan", *Review of African Political Economy*, Vol. 23, No. 70, Dec. 1996, pp. 523-529.
- Zartman, William, "Introduction: posing the problem of state collapse", in Zartman, William (ed.) *Collapsed States: The Disintegration and Restoration of Legitimate Authority*. Boulder: Lynne Rienner, 1995, pp. 1-11.
- Zein-Elabdin, Eiman Osman, "Postcoloniality and Development: Development as a Colonial Discourse", in Keita, Lansana (ed.) *Philosophy and African Development. Theory and Practice*. Dakar: CODESRIA, 2011, pp. 215-230.
- Zeller, Wolfgang, "Get It While You Can: Governance between Wars in the Uganda-South Sudan Borderland", in Korf, Benedikt and Raeymaekers, Timothy (eds.) *Violence on the Margins: States, Conflict, and Borderlands*. New York: Palgrave Macmillan, 2013, pp. 193-217.

Zhang Chun, "China's Relations with Two Sudans: From 'One Country, Two Systems' to 'Two Countries, One System'", *Global Review*, Winter 2012, pp. 3-6.

Zink, Jesse, "Songs of exile and faith: Dinka Christians in South Sudan", *The Christian Century*, Vol. 131, No. 1, 2014, pp. 24-27.

Newspapers & other online sources

Abraham, Isaiah, "Kiir Anti-Corruption War's Nothing But Blooper", *Gurtong*, 21 September 2011, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/5756/Kiir-Anti-Corruption-Wars-Nothing-But-Blooper.aspx> (accessed: 14 August 2013).

Abraham, Isaiah, "Unity of South Sudan at stake", *South Sudan Nation*, 14 June 2011, <http://www.southsudannation.com/unityofssatstake%20isaiahabram78.htm> (accessed: 9 July 2011).

Abraham, Isaiah, "Equatoria Conference queried", *Juba Post*, April 2011, <http://jubapost.org/article-34.html> (accessed: 8 July 2011).

Actually, John, "South Sudan's education sector in tatters as independence nears", *South Sudan People's Voice*, May 2011, http://www.media-diversity.org/en/index.php?option=com_content&view=article&id=1862:south-sudans-education-sector-in-tatters-as-independence-nears&catid=145:peoples-voice-may-articles&Itemid=216 (accessed: 12 September 2011).

Adam Smith International, "South Sudan: mining act passed but nation too must benefit", *Guardian*, no date, <http://www.theguardian.com/global-development-professionals-network/adam-smith-international-partner-zone/south-sudan-mining-act-adam-smith-international> (accessed: 19 August 2013).

Adams, Joana, "The RoSS Draft Constitution Debate", *South Sudan Nation*, 20 June 2011, <http://www.southsudannation.com/rossdraftconstdebate%20josephn78.htm> (accessed: 4 October 2011).

Aggrey, Taban Robert, "Man To Be Hanged", *South Sudan Today*, 29 June 2013, <http://www.southsudantoday.net/index.php/opinion/426-man-to-be-hanged> (accessed: 20 August 2013).

Agoth, Abraham, "Border States Agree On Peaceful Relations", *Gurtong*, 23 November 2013, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/13879/Default.aspx> (accessed: 30 November 2013).

Aleu, Phillip, "Wounded South Sudan Soldiers Demand Unpaid Wages", *Voice of America*, 24 March 2014, <http://www.voanews.com/content/south-sudan-wounded-soldiers-protest-unpaid-wages/1878169.html> (accessed: 25 March 2014).

Al Jazeera, "Ghost names found on S Sudan police payroll", 27 August 2013, <http://www.aljazeera.com/news/africa/2013/08/2013827153555380611.html> (accessed: 27 August 2013).

Allison, Simon, "Analysis: South Sudan's president can moan, but the UN will keep picking up his slack", *Daily Maverick*, 23 January 2014, <http://www.dailymaverick.co.za/article/2014-01-23-analysis-south-sudans-president-can-moan-but-the-un-will-keep-picking-up-his-slack/#.Uw9E1ON5Od4> (accessed: 10 February 2014).

Aman, Ayah, "Egypt tries to woo South Sudan in Nile water dispute", *Al-Monitor*, 31 March 2014, <http://www.al-monitor.com/pulse/originals/2014/03/egypt-south-sudan-nile-water-dispute-ethiopia.html#> (accessed: 1 April 2014).

American Embassy Khartoum, "INDEPENDENT SPLM CANDIDATES CREATE CRISIS WITHIN THE PARTY", 16 February 2010, <http://wikileaks.org/cable/2010/02/10KHARTOUM264.html> (accessed: 20 February 2014).

American Embassy Khartoum, "SUDAN: SPLA CHIEF OF STAFF SAYS HE MIGHT BE REPLACED", 25 March 2007, <http://wikileaks.org/cable/2007/03/07KHARTOUM470.html> (accessed: 20 February 2014).

Amos, Machel, "'Endangered' UN duo moved from South Sudan", *Africa Review*, 4 January 2014, <http://www.africareview.com/News/UN-duo-flees-South-Sudan-in-fear/-/979180/2192702/-/c43fjwz/-/index.html> (accessed: 6 February 2014).

Amos, Machel, "South Sudan's dizzying corruption merry-go-round", *Africa Review*, 21 May 2013, <http://www.africareview.com/Blogs/South-Sudans-corruption-merry-go-round/-/979192/1858488/-/anx5b8/-/index.htm> (accessed: 22 May 2013).

Anei, Joseph Ayok, "Why justice must be served to save South Sudan", *Sudan Tribune*, 14 April 2014, <http://sudantribune.com/spip.php?article50646> (accessed: 15 April 2014).

Arab News, "South Sudan president retires over 100 army generals", 18 February 2013, <http://arabnews.com/south-sudan-president-retires-over-100-army-generals> (accessed: 18 February 2013).

Ayuel, Deng Mangok, "South Sudan: Where Is 'Dinkacracy' In the Constitution of South Sudan?", *South Sudan News Agency*, 9 January 2013, <http://allafrica.com/stories/201301100274.html?viewall=1> (accessed: 10 January 2013).

Baldauf, Scott, "WikiLeaks documents roil Nigeria, Kenya, and South Africa", *Christian Science Monitor*, 9 December 2010, <http://www.csmonitor.com/World/Africa/Africa-Monitor/2010/1209/WikiLeaks-documents-roil-Nigeria-Kenya-and-South-Africa> (accessed: 13 June 2014).

Bariyo, Nicholas, "Construction of S Sudan's First Oil Refinery to Start Before Year-End", *Wall Street Journal*, 28 November 2013, <http://online.wsj.com/article/DN-CO-20131128-001816.html#> (accessed: 16 April 2014).

BBC News, "South Sudan's elections postponed, says President Kiir", 12 May 2014, <http://www.bbc.com/news/world-africa-27381509> (accessed: 15 May 2014).

BBC News, "Abyei opts to join South Sudan in unofficial referendum", 31 October 2013, <http://www.bbc.co.uk/news/world-africa-24761524> (accessed: 1 November 2013).

BBC News, "South Sudan horror at deadly cattle vendetta", 16 January 2012, <http://www.bbc.co.uk/news/world-africa-16575153> (accessed: 19 October 2012).

BBC News, "South Sudan rebel George Athor 'killed'", 20 December 2011, <http://www.bbc.co.uk/news/world-africa-16273758> (accessed: 17 February 2013).

Bernama, "Sudan, South Sudan Agree On Setting Up Executive Administration Of Abyei Region", 15 January 2013, <http://www.bernama.com/bernama/v6/newsworld.php?id=921773> (accessed: 15 January 2013).

Benson, Matthew, "Making tax work in South Sudan", *African Arguments*, 14 November 2011, <http://africanarguments.org/2011/11/14/making-tax-work-in-south-sudan-by-matthew-benson/> (accessed: 21 September 2012).

Biar, Zechariah Manyok, "How leaders contribute to tribalism in South Sudan", *Sudan Tribune*, 18 May 2014, <http://www.sudantribune.com/spip.php?article51043> (accessed: 19 May 2014).

Biong Deng, Luka, "Are Ngok Dinka of Abyei South Sudanese?", *Sudan Tribune*, 1 March 2013, <http://www.sudantribune.com/spip.php?article45696> (accessed: 2 March 2013).

Biong Deng, Luka "Abyei Final Status: A triumph of justice at last", *Sudan Tribune*, 26 October 2012, <http://www.sudantribune.com/spip.php?article44340> (accessed: 27 October 2012).

Birungi, Marvis, "Independence spurs renewed tributes to Garang", *The Niles*, 16 July 2011, <http://www.theniles.org/articles/?id=929> (accessed: 23 February 2014).

Blas, Javier and Wallis, William, "US investor buys Sudanese warlord's land", *Financial Times*, 9 January 2009, <http://www.ft.com/intl/cms/s/0/a4cbe81e-de84-11dd-9464-000077b07658.html#axzz2yCfxPCnX> (accessed: 7 April 2014).

Bosco, Ijoo, "Equatoria warns Jonglei over Kasengor district ownership", *Sudan Tribune*, 29 April 2014, <http://sudantribune.com/spip.php?article50817> (accessed: 30 April 2014).

Bosco, Ijoo, "South Sudan: E.Equatoria Prepares for Gold Mining Exploration", *Sudan Tribune*, 30 March 2014, <http://allafrica.com/stories/201403310810.html> (accessed: 31 March 2014).

Buay, Gordon, "Kiir should remove army officers from National Anthem Committee", *Sudan Tribune*, 15 August 2010, <http://sudantribune.com/spip.php?article35951> (accessed: 6 April 2014).

Capital News, "Machar calls on army to topple South Sudan President", 19 December 2013, <http://www.capitalfm.co.ke/news/2013/12/machar-calls-on-army-to-topple-south-sudan-president/> (accessed: 27 February 2014).

Catholic Radio Network, "Prison warders arrested over escape of inmates", 10 November 2012, <http://catholicradionetwork.org/?q=node/8456> (accessed: 8 February 2014).

Chimpreports, "SPLM Big Guns Defect to Opposition", 11 February 2014, <http://chimpreports.com/index.php/regional-news/s-sudan/16940-splm-big-guns-defect-to-opposition.html> (accessed: 26 February 2014).

Chol, Deng Majok, "To South Sudan seeds of nation generation", *Sudan Tribune*, 3 May 2014, <http://www.sudantribune.com/spip.php?article50871> (accessed: 4 May 2014).

City Press, "South Sudan digs up its buried death", 24 February 2013, <http://www.citypress.co.za/politics/south-sudan-digs-up-its-buried-death/> (accessed: 24 February 2013).

Clotey, Peter, "South Sudan to Establish Transitional Government after Conflict", *Voice of America*, 11 May 2014, <http://www.voanews.com/content/south-sudan-to-establish-transitional-government-after-conflict/1912277.html> (accessed: 12 May 2014).

Copnall, James, "Dispossessed: the South Sudanese without a nationality", *BBC News*, 6 April 2012, <http://www.bbc.co.uk/news/world-africa-17624075> (accessed: 20 April 2012).

Copnall, James, "South Sudanese 'press-ganged' by rebels in Khartoum", *BBC News*, 22 December 2011, <http://www.bbc.co.uk/news/world-africa-16287972> (accessed: 28 April 2014).

Davison, William, "In South Sudan, rebel chief Machar aims to seize last operating oil field", *Christian Science Monitor*, 2 April 2014, <http://www.csmonitor.com/World/Africa/2014/0402/In-South-Sudan-rebel-chief-Machar-aims-to-seize-last-operating-oil-field> (accessed: 3 April 2014).

De Waal, Alex, "REVIEW: The Fate of Sudan: The Origins And Consequences Of A Flawed Peace Process", *African Arguments*, 9 May 2013, <http://africanarguments.org/2013/05/09/review-the-fate-of-sudan-the-origins-and-consequences-of-a-flawed-peace-process-by-alex-de-waal/> (accessed: 10 May 2013).

De Waal, Alex, "North and South Sudan are at war", *African Arguments*, 24 April 2012, <http://africanarguments.org/2012/04/24/alex-de-waal-currently-it%E2%80%99s-war-for-north-and-south-sudan/> (accessed: 30 January 2014).

De Zeeuw, Jeroen, "A window of opportunity, before the oil starts flowing again...", *Cordaid*, 5 February 2013, <https://www.cordaid.org/en/news/window-opportunity-oil-starts-flowing-again/> (accessed: 29 April 2014).

Death Penalty News, "Prisoners rot on death row in South Sudan", 1 November 2012, <http://deathpenaltynews.blogspot.de/2012/11/prisoners-rot-on-death-row-in-south.html> (accessed: 2 February 2014).

Deng, David K. and Deng, Elizabeth, "Toward an Integrated Response to Justice and Reconciliation in South Sudan", *New Sudan Vision*, 14 January 2014, <http://newsudanvision.com/sudan-news-stories-publisher/2779-toward-an-integrated-response-to-justice-and-reconciliation-in-south-sudan> (accessed: 17 February 2014).

Dziadosz, Alexander, "Special Report: South Sudan's Chinese oil puzzle", *Reuters*, 14 November 2012, <http://www.reuters.com/article/2012/11/14/us-southsudan-chinese-oil-idUSBRE8AD0B520121114> (accessed: 19 August 2013).

Edward, Joseph, "Fear lingers in South Sudan despite independence", *The Niles*, 22 February 2013, <http://www.theniles.org/articles/?id=1697> (accessed: 27 February 2013).

Edward, Joseph, "Missing maps: Where are the colonial-era maps of the South Sudan-Sudan border?", *The Niles*, 6 February 2013, <http://www.theniles.org/articles/?id=1677> (accessed: 6 February 2013).

El Gizouli, Magdi, "The crisis in South Sudan: swapping partners", *StillSUDAN*, 7 January 2014, <http://stillsudan.blogspot.co.uk/2014/01/the-crisis-in-south-sudan-swapping.html> (accessed: 2 February 2014).

El Gizouli, Magdi, "South Sudanese labour: refill the 'kambo'", *StillSUDAN*, 8 October 2012, <http://www.stillsudan.blogspot.de/2012/10/south-sudanese-labour-refill-kambo.html> (accessed: 11 January 2013).

Ferrie, Jared, "South Sudan president seeks return of \$4 billion he says was spirited away", *CNN*, 4 June 2012, <http://edition.cnn.com/2012/06/04/world/africa/south-sudan-corruption> (accessed: 14 August 2013).

Fortin, Jacey, "At Quiet Rebel Base, Plotting an Assault on South Sudan's Oil Fields", *New York Times*, 3 April 2014, <http://www.nytimes.com/2014/04/04/world/africa/from-a-quiet-rebel-base-plotting-an-assault-on-south-sudans-oil-fields.html?ref=africa&r=0> (accessed: 4 April 2014).

Freedom House. *South Sudan*. Freedom in the World 2013, available at: http://www.freedomhouse.org/report/freedom-world/2013/south-sudan#.UvfYR_6PLcs (accessed: 9 February 2014).

Friday, Gift, "S. Sudan Switches from Arabic Textbooks to English", *Voice of America*, 6 June 2013, <http://www.voanews.com/content/south-sudan-education-textbooks/1676975.html> (accessed: 7 June 2013).

Frontline Defenders, "South Sudan: Kidnapping and violent assault of human rights defender and anti-corruption activist, Mr Deng Athuai Mawiir", 13 July 2012, <http://www.frontlinedefenders.org/node/18958> (accessed: 6 February 2014).

Garang, Kuir, "Stop whining and start building your counties", *South Sudan Nation*, 18 September 2011, <http://www.southsudannation.com/stopwhiningandstart%20kuirgarang78.htm> (accessed: 6 October 2011).

Gordon, Michael R., "U.S. Imposes First Sanctions in South Sudan Conflict", *New York Times*, 6 May 2014, http://www.nytimes.com/2014/05/07/world/africa/us-imposes-first-sanctions-in-south-sudan-conflict.html?ref=world&_r=1 (accessed: 7 May 2014).

Green, Andrew, "South Sudan rebels say army razed town, using foreign fighters", *Reuters*, 2 February 2014, <http://www.reuters.com/article/2014/02/02/us-southsudan-unrest-idUSBREA110GM20140202> (accessed: 12 April 2014).

Gurtong, "Senior S. Sudanese Health Officers Conclude The Nairobi Malaria Conference", 12 April 2014, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/15157/Default.aspx> (accessed: 15 April 2014).

Gurtong, "Interview With Ex-VP Wife Angelina Teny", 8 March 2014, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/15036/Default.aspx> (accessed: 19 March 2014).

Gurtong, "South Sudan Human Rights Closes Office in the Country", 22 January 2014, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/14706/Default.aspx> (accessed: 17 February 2014).

Hamilton, Rebecca, "Special Report: The wonks who sold Washington on South Sudan", *Reuters*, 11 July 2012, <http://www.reuters.com/article/2012/07/11/us-south-sudan-midwives-idUSBRE86A0GC20120711> (accessed: 3 October 2012).

Holland, Hereward, "Gold fever sweeps South Sudan ahead of new mining law", *Reuters*, 9 November 2012, <http://www.reuters.com/article/2012/11/09/sudan-south-gold-idUSL5E8M5DP220121109> (accessed: 19 August 2013).

Holland, Hereward, "Borders and boundaries draw friction in South Sudan", *Reuters*, 6 December 2012, <http://www.reuters.com/article/2012/12/06/us-sudan-south-border-idUSBRE8B50JK20121206> (accessed: 6 December 2012).

Holland, Hereward and Laessing, Ulf, "South Sudan says Sudan poses new obstacle to oil sales", *Reuters*, 26 November 2012, <http://www.reuters.com/article/2012/11/26/us-southsudan-sudan-oil-idUSBRE8AP0Q520121126> (accessed: 26 November 2012).

Hollenbach, David, "Creating South Sudan. The challenges of nation-building", *America Magazine*, 7 November 2011, <http://americamagazine.org/node/150318> (accessed: 2 April 2013).

Howden, Daniel, "Football-mad president plays on while Burundi fears the return of civil war", *The Guardian*, 6 April 2014, <http://www.theguardian.com/world/2014/apr/06/football-mad-president-burundi> (accessed: 6 April 2014).

Human Rights Watch, "Letter to African Union Commission Chairperson from South Sudanese and International Non-Governmental Organizations", 7 March 2014, <http://www.hrw.org/news/2014/03/07/letter-african-union-commission-chairperson-south-sudanese-and-international-non-gov> (accessed: 18 March 2014).

Human Rights Watch, "Sudan: Don't Strip Citizenship Arbitrarily", 2 March 2012, <http://www.hrw.org/news/2012/03/02/sudan-don-t-strip-citizenship-arbitrarily> (accessed: 4 February 2014).

Humanitarian Bulletin South Sudan 22 to 28 July 2013, available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/Humanitarian%20Bulletin%20South%20Sudan%2022%20to%2028%20July.pdf> (accessed: 4 February 2014).

ICRC, "South Sudan: desperate struggle for health care in world's newest nation", 6 July 2012, <http://www.icrc.org/eng/resources/documents/news-release/2012/south-sudan-news-2012-07-06.htm> (accessed: 22 February 2013).

ICRC, "South Sudan: the humanitarian challenges of a new State", 29 August 2011, <http://www.icrc.org/eng/resources/documents/interview/2011/south-sudan-interview-2011-08-29.htm> (accessed: 22 February 2013).

IDMC. *Global Figures: Conflict and violence-induced displacement*. Available at: <http://www.internal-displacement.org/global-figures> (accessed: 7 May 2014).

Insight on Conflict, "LRA: Civil society letter to South Sudan President", 19 November 2011, <http://www.insightonconflict.org/2011/11/civil-society-salva-kiir/> (accessed: 4 February 2013).

IRIN News, "Fear persists among South Sudan's displaced", 25 February 2014, <http://www.irinnews.org/report/99704/fear-persists-among-south-sudan-s-displaced> (accessed: 26 February 2014).

Jackson, Lagu Joseph, "Citizens Warned against Using National Anthem as Mobile Tones", *The Citizen*, 18 July 2011, <http://www.thecitizen.info/general/citizens-warned-against-using-national-anthem-as-mobile-tones/> (accessed: 21 July 2011).

Jok, Jok Madut, "Public Reactions to Kiir's new Cabinet and the Crisis of Nationalist Thinking", *The Citizen*, 11 September 2011, <http://www.thecitizen.info/opinion/public-reactions-to-kiir%E2%80%99s-new-cabinet-and-the-crisis-of-nationalist-thinking/> (accessed: 16 September 2011).

Junub, Lotueng, "Lakes State Community loses [sic] zeal for Kiir's leadership", *South Sudan Nation*, 20 March 2013, <http://www.southsudannation.com/lakes-state-community-loses-zeal-for-kiirs-leadership/> (accessed: 7 February 2014).

Kashaka, Umaru, "Ugandan traders thriving despite harassment in South Sudan", *New Vision*, 12 December 2013, <http://www.newvision.co.ug/news/650438-ugandan-traders-thriving-despite-harassment-in-south-sudan.html> (accessed: 12 December 2013).

Khadka, Sangita, "National Platform for Peace and Reconciliation launched", *UNDP in South Sudan*, 8 April 2014, http://www.ss.undp.org/content/south_sudan/en/home/presscenter/articles/2014/04/08/national-platform-for-peace-and-reconciliation-launched-/ (accessed: 30 April 2014).

Kindersley, Nicki, "Maps of the Sudan border: the endless conversation", *internally displaced*, 8 January 2013, http://internallydisplaced.wordpress.com/2013/01/08/maps-of-the-sudan-border-the-endless-conversation/?blogsub=confirming#blog_subscription-3 (accessed: 28 February 2013).

Kindersley, Nicki, "Franklin Graham in Juba, and the separation of church and state", *internally displaced*, 29 October 2012, <http://internallydisplaced.wordpress.com/2012/10/29/franklin-graham-in-juba-and-the-separation-of-church-and-state/#more-343> (accessed: 14 April 2013).

Kortam, Hend, "Egypt pledges aid to South Sudan", *Daily News Egypt*, 12 August 2012, <http://thedailynewsegypt.com/2012/08/12/egypt-pledges-aid-to-south-sudan/> (accessed: 10 April 2014).

Kulish, Nicholas, "Reports of South Sudan Fighting, Despite Pact, Prompt Worry and Warnings", *New York Times*, 12 February 2014, http://www.nytimes.com/2014/02/13/world/africa/fighting-persists-in-south-sudan-despite-pact-and-aid-groups-issue-warnings.html?_r=0 (accessed: 13 February 2014).

Kulish, Nicholas, "On Fashion Runway, South Sudan Takes Step Toward National Identity", *New York Times*, 2 October 2013, http://www.nytimes.com/2013/10/03/world/africa/on-fashion-runway-south-sudan-takes-steps-toward-a-national-identity.html?pagewanted=2&_r=1&pagewanted=all& (accessed: 3 October 2013).

Kuol, Stephen Par, "The Peril of Ethnic Federalism in the Republic of South Sudan", *Gurtong*, 4 May 2013, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/11005/Default.aspx> (accessed: 10 May 2013).

Kwot, Chol de, "Why Republic of Kush should be adopted for the county in waiting?", *New Sudan Vision*, 25 January 2011, http://www.newsudanvision.com/index.php?option=com_content&view=article&id=2312:why-republic-of-kush-should-be-adopted-for-country-in-waiting&Itemid=44 (accessed: 4 October 2011).

Landler, Mark, "U.S. Is Facing Hard Choices in South Sudan", *New York Times*, 3 January 2014, <http://www.nytimes.com/2014/01/04/us/politics/us-is-facing-hard-choices-in-south-sudan.html?pagewanted=2&src=recg&pagewanted=all> (accessed: 5 January 2014).

Lavrov, Sergei, "It's not Russia that is destabilising Ukraine", *The Guardian*, 7 April 2014, <http://www.theguardian.com/commentisfree/2014/apr/07/sergei-lavrov-russia-stabilise-ukraine-west> (accessed: 8 April 2014).

LeRiche, Matthew, "In South Sudan courts and justice are essential for peace: A reply to Mbeki and Mamdani", *African Arguments*, 19 February 2014, <http://africanarguments.org/2014/02/19/in-south-sudan-courts-and-justice-are-essential-for-peace-a-reply-to-mbeki-and-mamdani-by-matthew-leriche/> (accessed: 20 February 2014).

Loro, Petia Suliman, "South Sudanese Urged To Use Football In Fostering Unity", *Gurtong*, 10 August 2013, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/12456/Default.aspx> (accessed: 10 August 2013).

Lual, Mark Y., "Federalism Based on Ethnic Solidarity: A workable solution to S. Sudanese Political Problem", *South Sudan Nation*, 13 May 2014, <http://www.southsudannation.com/federalism-based-on-ethnic-solidarity-a-workable-solution-to-s-sudanese-political-problem/> (accessed: 16 May 2014).

Lupai, Jacob K., "Attaining sustainable national unity through federal system of government", *South Sudan News Agency*, 1 May 2013,

<http://www.southsudannewsagency.com/opinion/editorials/attaining-sustainable-national-unity-through-federal-system-of-government> (accessed: 2 May 2013).

Lupai, Jacob K., "The New Nation", *Gurtong*, 1 May 2011, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/5161/categoryId/24/The-New-Nation.aspx> (accessed: 16 September 2011).

Lynch, Colum, "South Sudanese Military Targets United Nations", *The Cable*, 18 March 2014, http://thecable.foreignpolicy.com/posts/2014/03/18/south_sudan_targets_the_united_nations (accessed: 21 March 2014).

Lythgoe, Luke, "How To Name Your African Nation", *Think Africa Press*, 16 November 2012, <http://thinkafricapress.com/history/what-name-african-state> (accessed: 2 April 2014).

Majokdit, Riak G., "We Have Finally Done It!", *The Citizen*, 20 July 2011, <http://www.thecitizen.info/opinion/we-have-finally-done-it/> (accessed: 1 October 2011).

Maker, Abraham Daljang, "Hospital corruption hurts South Sudan's shaky health services", *The Niles*, 16 September 2013, <http://www.theniles.org/articles/?id=2043> (accessed: 19 September 2013).

Maker, Abraham Daljang, "Arabic or English? South Sudan's linguistic dilemma", *The Niles*, 8 February 2013, <http://www.theniles.org/articles/?id=1680> (accessed: 13 February 2013).

Mandil, Nichola, "Exclusive: Ex-political detainee Peter Sule speaks", *Eye Radio*, 18 October 2013, <http://eyeradio.org/ex-political-detainee-peter-sule-speaks/> (accessed: 7 February 2014).

Manyuon, Dhiim, "Proliferation Of Political Parties: A Question Of Constitutional Debate", *Gurtong*, 2 January 2012, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/6254/Default.aspx> (accessed: 8 February 2012).

Martell, Peter, "A song for south Sudan: Writing a new national anthem", *BBC News*, 12 January 2011, <http://www.bbc.co.uk/news/world-africa-12164171> (accessed: 14 September 2011).

Mayar, Manyang David, "New Police force ahead of independence", *Juba Post*, June 2011, <http://jubapost.org/article-155.html> (accessed: 8 July 2011).

Mayom, Manyang, "Lam Akol - Malakal clashes are responsibility of SPLM not SPLM-DC", *Sudan Tribune*, 16 March 2011, <http://www.sudantribune.com/Lam-Akol-Malakal-clashes-are,38305?amp> (accessed: 3 May 2013).

Mayom, Gabriel, "Political Parties Warned Against Calling For Interim Government", *Gurtong*, 17 February 2014, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/14898/Default.aspx> (accessed: 17 February 2014).

Mbeki, Thabo and Mamdani, Mahmood, "Courts Can't End Civil Wars", *New York Times*, 5 February 2014, http://www.nytimes.com/2014/02/06/opinion/courts-cant-end-civil-wars.html?_r=1 (accessed: 20 February 2014).

McGregor, David, "Tribal Champion or Proxy Warrior? A Profile of South Sudan's David Yau Yau", *Aberfoyle Security*, May 2013, <http://www.aberfoylesecurity.com/?p=278> (accessed: 12 April 2014).

McNeish, Hannah, "Relentless Use of Landmines in South Sudan Sparks Fear", *Voice of America*, 21 November 2011, <http://www.voanews.com/content/relentless-use-of-landmines-in-south-sudan-sparks-fear-134349963/159204.html> (accessed: 24 February 2013).

Media and Cooperation in Transition. *Map of Sudan and South Sudan*. 2012.

Middle East Monitor, "South Sudan and Chad apply to join the Arab League", 25 March 2014, <https://www.middleeastmonitor.com/news/africa/10509-south-sudan-and-chad-apply-to-join-the-arab-league> (accessed: 3 April 2014).

Mon, Benjamin Majok, "Commissioner: tribalism undermines south's independence", *Sudan Votes*, 15 July 2011, <http://www.sudανvotes.com/articles/?id=930> (accessed: 6 October 2011).

Monyrach, Deng Machol, "SPLA recaptures Boma town in Jonglei amid fierce fighting", *The Niles*, 22 May 2013, <http://www.theniles.org/articles/?id=1852> (accessed: 22 May 2013).

Mortensen, Antonia and Farshbaf, Neda, "Reports of White Army march raise fears of more violence in South Sudan", *CNN*, 30 December 2013, http://edition.cnn.com/2013/12/29/world/africa/south-sudan-conflict/index.html?iid=article_sidebar (accessed: 27 February 2014).

Mugisha, Frank, "Gay and Vilified in Uganda", *New York Times*, 22 December 2011, http://www.nytimes.com/2011/12/23/opinion/gay-and-vilified-in-uganda.html?_r=0 (accessed: 29 March 2014).

Mule, Misuk Moses, "Eritreans Demonstrate Against Rising Insecurity In Juba", *Gurtong*, 1 December 2012, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/8617/Eritreans-Hold-Demonstrations-Against-Insecurity-In-Juba.aspx> (accessed: 12 August 2013).

Muwombi, Esther, "Chinese hospitals fill medical gaps in S. Sudan, despite lack of controls", *The Niles*, 18 February 2013, <http://www.theniles.org/articles/?id=1695> (accessed: 21 February 2013).

Nakimangole, Peter Lokale, "Eastern Equatoria Cabinet Approves 22 New Payams", *Gurtong*, 3 October 2013, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/13241/Default.aspx> (accessed: 3 October 2013).

Nashion, Joseph, "Western Equatoria State wants to regulate booming teak business", *The Niles*, 3 April 2013, <http://www.theniles.org/articles/?id=1758> (accessed: 7 April 2014).

National Advocacy Group, "Ministry of Commerce, Industry and Investment: The most corrupt Government Institution in South Sudan", 11 August 2013, <http://paanluelwel2011.wordpress.com/2013/08/11/ministry-of-commerce-industry-and-investment-the-most-corrupt-government-institution-in-south-sudan/> (accessed: 19 August 2013).

New Sudan Vision, "SPLM-DC accuses Kiir's SPLM of political intimidation in Upper Nile State", 3 July 2009, <http://www.newsudanvision.com/sudan/1767-splm-dc-accuses-kiirs-splm-of-political-intimidation-in-upper-nile-state> (accessed: 6 February 2014).

New York Times, "South Sudan cannot Starve", 7 April 2014, http://www.nytimes.com/2014/04/08/opinion/south-sudan-cannot-starve.html?_r=0 (accessed: 7 April 2014).

Ngor, Mading, "South Sudan's New Refineries to Bring Fuel Independence Closer", *Bloomberg*, 31 October 2013, <http://www.bloomberg.com/news/2013-10-31/south-sudan-s-new-refineries-to-bring-fuel-independence-closer.html> (accessed: 1 November 2013).

Ngor, Mading, "Will the Sacking of Elected Governor Mark the Unraveling of South Sudanese Constitution?", *Huffington Post*, 23 January 2013, http://www.huffingtonpost.co.uk/mading-ngor/south-sudan_b_2532169.html (accessed: 9 February 2014).

Ngundeng Historical Society, "Ngundeng's family calls upon Lou Nuer White Army to stop fighting the government", *South Sudan Tribune*, 9 February 2014, <http://southsudantribune.org/states-news/51-ngundeng-s-family-calls-upon-lou-nuer-white-army-to-stop-fighting-the-government> (accessed: 16 May 2014).

Nyaba, Peter Adwok, "The erosion of tradition in South Sudan", speech delivered at University of Juba, 3 June 2011, http://www.newsudanvision.com/index.php?option=com_content&view=article&id=2369:the-erosion-of-tradiiton-in-south-sudan&catid=5:columns&Itemid=14 (accessed: 9 July 2011).

Nyok, Ability Chol, "The Telar's Saga: Democracy In The Making?", *Gurtong*, 14 August 2013, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/12504/Default.aspx> (accessed: 19 August 2013).

Nyol, J. Nguen, "Another \$227 Million Dollars Scandal Involving South Sudan's Chief Negotiator Nhial Deng Nhial and Elder Son of the South Sudan Central Bank Governor", *South Sudan News Agency*, 12 June 2014, <http://www.southsudannewsagency.com/opinion/editorials/millions-dollars-scandal-involving-nhial-deng-nhial> (accessed: 14 June 2014).

Oka, Alier Ngong, "New Name For South Sudan Debate Broadened", *Gurtong*, 10 January 2011, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/4649/categoryId/24/New-Name-For-South-Sudan-Debate-Broadened.aspx> (accessed: 16 September 2011).

Okuk, James, "Regional Representation breeds tribalism in South Sudan", *Sudan Tribune*, 16 April 2011, <http://www.sudantribune.com/Regional-representation-breeds,38599> (accessed: 9 July 2011).

Oloro, Vahid, "South Sudan Minister Arrested Over Fraud", *East African Business Week*, 26 March 2007, <http://pachodo.org/latest-news-articles/pachodo-english-articles/239-corruption-in-south-sudan> (accessed: 20 February 2014).

Ordo Fratrum Minorum, "The Way of the Cross in Juba, South Sudan", 8 April 2014, <http://www.ofm.org/ofm/?p=7277&lang=en> (accessed: 9 April 2014).

Otto, Peter Adwok, "The Interim Draft Constitution of South Sudan is a SPLM Constitution", *Pachodo*, 29 April 2011, <http://pachodo.org/latest-news-articles/pachodo-english-articles/2077-the-interim-draft-constitution-of-south-sudan-is-a-splm-constitution> (accessed: 10 February 2014).

Oxford Analytica, "Sudan: CPA faces strains as polls loom", 9 June 2009, <http://reliefweb.int/report/sudan/sudan-cpa-faces-strains-polls-loom> (accessed: 7 February 2013).

Pachodo, "Statement by South Sudan Political Parties on the Recent Aborted Coup de tat [sic!] in the Country", 31 December 2013, <http://pachodo.org/latest-news-articles/pachodo-english-articles/7985-statement-by-south-sudan-political-parties> (accessed: 11 February 2014).

Panchol, Ayuen, "Democratize South Sudan: Tear Down the SPLM, Please", *South Sudan News Agency*, 10 August 2012, <http://www.southsudannewsagency.com/opinion/editorials/democratize-south-sudan-tear-down-the-splm-please> (accessed: 20 February 2014).

Patey, Luke, "India's Kings of Crude Troubled by Oil Investments in Africa", *African Arguments*, 31 March 2014, <http://africanarguments.org/2014/03/31/indias-kings-of-crude-troubled-by-oil-investments-in-africa-by-luke-patey/> (accessed: 10 April 2014).

Paul, Elhag, "SPLM's political tricks: Appointing crooks in cabinet", *Sudan Tribune*, 31 August 2011, <http://www.sudantribune.com/SPLM-s-political-tricks-Appointing,40005> (accessed: 16 September 2011).

Pelz, Daniel, "Anne Itto: 'South Sudan is not a written off case'", *Deutsche Welle*, 26 March 2014, <http://www.dw.de/anne-itto-south-sudan-is-not-a-written-off-case/a-17520334> (accessed: 28 March 2014).

Pendle, Naomi, "Talk of Truth, Reconciliation and Justice in South Sudan", *Africa at LSE*, 30 January 2014, <http://blogs.lse.ac.uk/africaatlse/2014/01/30/talk-of-truth-reconciliation-and-justice-in-south-sudan/> (accessed: 14 April 2014).

Pflanz, Mike, "South Sudan independence: Juba celebrates the birth of a nation", *The Telegraph*, 9 July 2011, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/south-sudan/8627647/South-Sudan-independence-Juba-celebrates-the-birth-of-a-nation.html> (accessed: 1 August 2013).

Prunier, Gérard, "South Sudan: it all began so well", *Le Monde diplomatique (English edition)*, February 2014, <http://mondediplo.com/2014/02/03southsudan> (accessed: 10 February 2014).

Radio France International (English), "Have hope in nation building, cardinal tells South Sudan", 23 March 2014, <http://www.english.rfi.fr/africa/20140323-have-hope-nation-building-cardinal-tells-south-sudan> (accessed: 9 June 2014).

Radio Miraya, "Opposition political parties say harassment still prevalent in southern Sudan", no date, <http://www.radiomiraya.org/news-202/south-sudan/1878-opposition-political-parties-continue-to-face-harassment-in-southern-sudan-as-campaning-heats-up.html#gsc.tab=0> (accessed: 7 February 2014).

Radio Miraya, "Preserving the nation's history in archives", 17 July 2013, <http://www.radiomiraya.org/our-programs/reports/11633-preserving-the-nation%E2%80%99s-history-in-archives.html#gsc.tab=0> (accessed: 14 August 2013).

Radio Miraya, "Reconciliation to address grievances: Archbishop Deng Bul", 19 June 2013, <http://www.radiomiraya.org/our-programs/interviews/11451-reconciliation-to-address-grievances-archbishop-deng-bul.html#gsc.tab=0> (accessed: 23 March 2014).

Radio Miraya, "Arabic students of Juba University protest use of English Language", no date, <http://www.radiomiraya.org/index.php/south-sudan-news/7766-arabic-pattern-students-of-juba-university-protest-use-of-english-language#gsc.tab=0> (accessed: 30 May 2013).

Radio Miraya, "Ministry of Education in South Sudan introduces Muru language into schools curricula", no date, <http://www.radiomiraya.org/news-202/south-sudan/1252-ministry-of-education-south-sudan-introduces-muru-language-into-schools-curricula.html#gsc.tab=0> (accessed: 15 April 2014).

Radio Miraya, "University agrees to use Arabic", no date, <http://www.radiomiraya.org/news-202/south-sudan/7971-university-of-juba-agree-to-use-arabic-as-medium-of-instruction.html#gsc.tab=0> (accessed: 30 May 2013).

Radio Miraya, "Who is eligible for South Sudanese nationality", no date, <http://www.radiomiraya.org/interviews2/8623-who-is-eligible-for-south-sudanese-nationality113.html#gsc.tab=0> (accessed: 23 March 2014).

Radio Miraya, "Random killings to end: Interior Minister", 12 December 2012, <http://www.radiomiraya.org/our-programs/interviews.html#gsc.tab=0> (accessed: 23 March 2014).

Radio Tamazuj, "South Sudan VP acknowledges massive corruption in collection of non-oil revenues", 6 June 2014, <https://radiotamazuj.org/en/article/south-sudan-vp-acknowledges-massive-corruption-collection-non-oil-revenues> (accessed: 6 June 2014).

Radio Tamazuj, "Ethiopian leader 'threatened to jail Riek and Kiir' to secure South Sudan ceasefire", 12 May 2014, <https://radiotamazuj.org/en/article/ethiopian-leader-%E2%80%98threatened-jail-riek-and-kiir%E2%80%99-secure-south-sudan-ceasefire> (accessed: 16 May 2014).

Radio Tamazuj, "Soldiers missing from payroll open fire on officers at SPLA headquarters", 5 March 2014, <https://radiotamazuj.org/en/article/soldiers-missing-payroll-open-fire-officers-spla-headquarters> (accessed: 3 April 2014).

Ramba, Justin Ambago, "Regionalism as set to replace party politics in South Sudan!", *South Sudan Nation*, 5 June 2013, <http://www.southsudannation.com/regionalism-as-set-to-replace-party-politics-in-south-sudan/> (accessed: 11 June 2013).

Ramba, Justin Ambago, "Don't Blame Federalism for Tribalism", *Gurtong*, 23 April 2011, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/5138/categoryId/24/Dont-Blame-Federalism-for-Tribalism.aspx> (accessed: 16 September 2011).

Rengo, Rengo Gyyw Jr., "Remove Offensive Vestiges of Arabism in Juba", *Gurtong*, 14 May 2011, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/5212/Remove-Offensive-Vestiges-Of-Arabism-In-Juba.aspx> (accessed: 9 July 2011).

Republic of South Sudan, The Presidential Committee for Community Peace, Reconciliation and Tolerance in Jonglei State, Jonglei State Communities Conference for Peace, Reconciliation and Tolerance held in Bor, 1-5th May 2012, *Conference Resolutions and Recommendations*. Available at: http://groups.google.com/group/sudan-john-ashworth/browse_thread/thread/thread/edf8a53384096bf5?pli=1, cited by Felix Da Costa, Diana, "Responses to Intercommunal Violence in Jonglei", *e-International Relations*, 18 June 2012.

Reuters, "South Sudan's Kiir puts generals under investigation for abuses", 25 August 2013, <http://www.reuters.com/article/2013/08/25/us-southsudan-generals-idUSBRE97O07P20130825> (accessed: 2 February 2014).

Rhodes, Tom, "Corruption a no-go zone for South Sudan's journalists", *Committee to Protect Journalists*, 28 March 2012, <http://cpj.org/blog/2012/03/corruption-a-no-go-zone-for-south-sudans-journalis.php> (accessed: 28 October 2012).

Rhodes, Tom, "South Sudan's struggle for a free press", *Committee to Protect Journalists*, 8 September 2011, <http://cpj.org/blog/2011/09/south-sudans-struggle-for-a-free-press.php> (accessed: 12 September 2011).

Run, R. Mou, "Why House of Nationalities is Necessary in Souyth [sic] Sudan", *Gurtong*, 14 February 2011, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/4871/categoryId/24/Why-House-Of-Nationalities-Is-Necessary-in-South-Sudan.aspx> (accessed: 16 September 2011).

Rwakaringi, Mugume Davis, "South Sudan to Probe 'Dura Saga' Grain Swindle", *Voice of America*, 15 May 2013, <http://www.voanews.com/content/south-sudan-probe-sorghum-dura-saga-corruption/1661994.html> (accessed: 14 August 2013).

Safi, Matata, "South Sudan: Over 60,000 Return to Abyei", *allAfrica*, 9 August 2013, <http://allafrica.com/stories/201308090807.html> (accessed: 10 August 2013).

Sam Lukudu, "IGAD Delegation Meets President Kiir ... Makuei Warns Journalist Against Reporting 'Misleading Information'", 20 December 2013, <http://samlukudu.blogspot.de/2013/12/igad-delegation-meets-president-kiir.html> (accessed: 10 February 2014).

South Sudan Nation, "Not enough: Machar's political scheming on the National Reconciliation", 14 February 2013, <http://www.southsudannation.com/not-enough-kiirs-reshuffles-just-window-dressing/> (accessed: 14 April 2014).

South Sudan News Agency, "University of Juba Nuer Students' Open Letter", 3 February 2014, <http://www.southsudannewsagency.com/opinion/press-releases/nuer-students-open-letter> (accessed: 5 February 2014).

South Sudan News Agency, "Amid a Shroud of Secrecy, the Government of South Sudan Quietly Executes Four People", 26 November 2013, <http://www.southsudannewsagency.com/opinion/press-releases/south-sudan-quietly-executes-four-people> (accessed: 29 November 2013).

South Sudan News Agency, "SSHURSA Condemns Shutdown of Good News Radio; Calls on National Government to Reverse the Lakes State's Government Decision", 1 July 2013, <http://www.southsudannewsagency.com/news/press-releases/sshursa-condemns-shutdown-of-good-news-radio> (accessed: 2 July 2013).

South Sudan News Agency, "SSHURSA condemns detention of journalists, urges the deputy minister of Interior to stop intimidating the media and resign", 12 May 2013, <http://www.southsudannewsagency.com/news/press-releases/sshursa-condemns-detention-of-journalists> (accessed: 13 May 2013).

South Sudan News Agency, "The Root Causes of Conflicts in South Sudan", 14 May 2011, <http://www.southsudannewsagency.com/news/top-stories/the-root-causes-of-conflicts-in-south-sudan> (accessed: 28 September 2011).

SPIEGEL Online, "Südsudan - Rebellen töten Hunderte Zivilisten in Öl-Stadt Bentiu", 21 April 2014, <http://www.spiegel.de/politik/ausland/suedsudan-rebellen-toeten-hunderte-zivilisten-in-oel-stadt-bentiu-a-965417.html> (accessed: 22 April 2014).

SPLM Today, "President Kiir axes Unity State Governor Taban Deng Gai", 8 July 2013, <http://www.splmtoday.com/index.php/news-mainmenu-2/732-president-kiir-axes-unity-state-governor-taban-deng-gai> (accessed: 17 November 2013).

Stephen, Juma John, "Equatoria Conference Calls for Federal System of Governance", *Gurtong*, 19 April 2011, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/5121/Equatoria-Conference-Calls-For-Federal-System-Of-Governance.aspx> (accessed: 29 September 2011).

Stiegle, Joseph, "Africa's fault line: Governments must act to soothe religious tension", *New York Times*, 9 June 2003, http://www.nytimes.com/2003/06/09/opinion/09iht-edsiegle_ed3.html?module=Search&mabReward=relbias%3Ar (accessed: 7 June 2014).

Sudan Tribune, "S. Sudan rivals trade accusations over human rights abuses", 21 April 2014, <http://sudantribune.com/spip.php?article50729> (accessed: 22 April 2014).

Sudan Tribune, "Rebels claim killing hundreds including top army general in Bentiu", 16 April 2014, <http://sudantribune.com/spip.php?article50673> (accessed: 16 April 2014).

Sudan Tribune, "Jonglei's assembly speaker set to resign on Tuesday", 7 April 2014, <http://www.sudantribune.com/spip.php?article50576> (accessed: 8 April 2014).

Sudan Tribune, "South Sudan's Shilluk community forms defence force", 5 April 2014, <http://www.sudantribune.com/spip.php?article50548> (accessed: 6 April 2014).

Sudan Tribune, "Lakes: government adviser on human rights beaten by security in house raid", 2 April 2014, <http://sudantribune.com/spip.php?article50518> (accessed: 3 April 2014).

Sudan Tribune, "N. Bahr el Ghazal politicians lobby president over gubernatorial successor", 26 March 2014, <http://www.sudantribune.com/spip.php?article50435> (accessed: 24 April 2014).

Sudan Tribune, "Yau Yau rebels demand new state in Jonglei", 23 March 2014, <http://www.sudantribune.com/spip.php?article50410> (accessed: 25 March 2014).

Sudan Tribune, "S. Sudan's Kiir broadens cabinet after size reduction", 18 March 2014, <http://sudantribune.com/spip.php?article50332> (accessed: 19 March 2014).

Sudan Tribune, "Eritreans in Bor threatened, shops looted as Jonglei locals accuse Asmara of backing rebels", 9 March 2014, <http://www.sudantribune.com/spip.php?article50242> (accessed: 20 March 2014).

Sudan Tribune, "S. Sudan defence minister admits government is paying Ugandan army", 14 February 2014, <http://sudantribune.com/spip.php?article49963> (accessed: 16 February 2014).

Sudan Tribune, "South Sudan's VP Igga tells armed opposition to wait for elections", 4 February 2014, <http://www.sudantribune.com/spip.php?article49839> (accessed: 5 February 2014).

Sudan Tribune, "South Sudan warns UN against meddling in internal affairs", 21 January 2014, <http://sudantribune.com/spip.php?article49674> (accessed: 22 January 2014).

Sudan Tribune, "Uganda's Museveni appoints new head of S. Sudan operations", 12 January 2014, <http://sudantribune.com/spip.php?article49548> (accessed: 27 January 2014).

Sudan Tribune, "SPLM leaders pull out of NLC meeting over 'lack of dialogue spirit'", 14 December 2013, <http://www.sudantribune.com/spip.php?article49181> (accessed: 15 December 2013).

Sudan Tribune, "S. Sudan's SPLM confirms dissolution of all structures", 22 November 2013, <http://www.sudantribune.com/spip.php?article48902> (accessed: 10 February 2014).

Sudan Tribune, "Duk county youth protest against alleged Jonglei land grab", 13 November 2013, <http://www.sudantribune.com/spip.php?article48790> (accessed: 7 April 2014).

Sudan Tribune, "Warrap parliament writes to governor over constitutional violation", 12 November 2013, <http://www.sudantribune.com/spip.php?article48780> (accessed: 9 February 2014).

Sudan Tribune, "Kiir resumes attending church services after 9-month break", 30 October 2013, <http://www.sudantribune.com/spip.php?article48631> (accessed: 2 May 2014).

Sudan Tribune, "South African ANC officials in Juba to educate SPLM", 9 October 2013, <http://www.sudantribune.com/spip.php?article48371> (accessed: 7 February 2014).

Sudan Tribune, "Kiir says SPLM will rule South Sudan for 100 years", 27 September 2013, <http://www.sudantribune.com/spip.php?article48219> (accessed: 30 September 2013).

Sudan Tribune, “Kiir threatens to dissolve parliament unless it supports Wani Igga's appointment”, 24 August 2013, <http://www.sudantribune.com/spip.php?article47776> (accessed: 9 February 2014).

Sudan Tribune, “South Sudan cabinet denies official media access to its meetings”, 18 August 2013, <http://www.sudantribune.com/spip.php?article47701> (accessed: 19 August 2013).

Sudan Tribune, “New S. Sudan finance minister vows to raise 90m SSP in 100 days”, 9 August 2013, <http://www.sudantribune.com/spip.php?article47604> (accessed: 27 February 2014).

Sudan Tribune, “SPLM Secretary General Amum says Kiir’s suspension of ministers was politically motivated”, 7 July 2013, <http://www.sudantribune.com/spip.php?article> (accessed: 8 July 2013).

Sudan Tribune, “Payii roads and bridges boss arrested over misuse of Juba-Kajokeji road funds”, 31 May 2013, <http://www.sudantribune.com/spip.php?article46775> (accessed: 8 April 2014).

Sudan Tribune, “Warrap Governor suspends workers’ trade union”, 28 April 2013, <http://www.sudantribune.com/spip.php?article46397> (accessed: 29 April 2013).

Sudan Tribune, “South Sudan's Kiir withdraws delegated executive powers from VP Machar”, 15 April 2013, <http://www.sudantribune.com/spip.php?article46237> (accessed: 22 February 2014).

Sudan Tribune, “Millions in cash money stolen from President Kiir’s office in Juba”, 27 March 2013, <http://sudantribune.com/spip.php?article45984> (accessed: 27 March 2013).

Sudan Tribune, “Elders seek removal of N. Bahr el Ghazal governor”, 16 March 2013, <http://www.sudantribune.com/spip.php?article45852> (accessed: 17 March 2013).

Sudan Tribune, “South Sudan health facilities lack essential medical supplies: report”, 26 February 2013, <http://www.sudantribune.com/spip.php?article45663> (accessed: 11 March 2013).

Sudan Tribune, “South Sudan transforms DDR program to make it attractive to ex-combatants”, 11 February 2013, <http://sudantribune.com/spip.php?article45483> (accessed: 12 February 2013).

Sudan Tribune, “South Sudan Church calls to review separation of religion and the state”, 5 February 2013, <http://www.sudantribune.com/spip.php?article45420> (accessed: 7 February 2013).

Sudan Tribune, “Kiir sacks Lakes state governor”, 21 January 2013, <http://www.sudantribune.com/spip.php?article45262> (accessed: 7 February 2014).

Sudan Tribune, “South Sudan will not accept endless talks over Abyei – FM”, 4 December 2012, <http://www.sudantribune.com/spip.php?article44730> (accessed: 4 December 2012).

Sudan Tribune, “South Sudan takes another step towards developing a new capital”, 2 December 2012, <http://www.sudantribune.com/spip.php?article44709> (accessed: 30 July 2013).

Sudan Tribune, “Aweil Community Rejects Khartoum claims of Mile – 14 South of river Kiir”, 12 October 2012, <http://www.sudantribune.com/spip.php?article44242> (accessed: 30 January 2014).

Sudan Tribune, “Upper Nile State arrests 15 members of SPLM-DC's ‘military wing’”, 21 August 2012, <http://www.sudantribune.com/spip.php?article43649> (accessed: 6 February 2014).

Sudan Tribune, “South Sudan’s anti corruption commission denies plot against predecessor”, 28 May 2012, <http://www.sudantribune.com/spip.php?article42739> (accessed: 13 February 2014).

Sudan Tribune, “Nile Commercial Bank continues to refund customers as it reopens”, 13 November 2011, <http://www.sudantribune.com/spip.php?article40714> (accessed: 1 March 2013).

Sudan Tribune, "South Sudan: 18 opposition parties consider forming single political party", 13 October 2011, <http://www.sudantribune.com/spip.php?article40423> (accessed: 1 November 2012).

Sudan Tribune, "South Sudan's Machar confirms Bor 'apology', calls for wider reconciliation", 28 August 2011, <http://www.sudantribune.com/spip.php?article39979> (accessed: 3 May 2013).

Tanza, John, "Machar Aims to 'Liberate South Sudan from Dictatorship'", *Voice of America*, 6 February 2014, <http://www.voanews.com/content/south-sudan-machar-interview/1845824.html> (accessed: 10 February 2014).

Tanza, John and Doki, Charlton, "Rebel Leader: We Want Our Own State", *Voice of America*, 13 May 2013, <http://www.voanews.com/content/yau-yau-rebels-fighting-for-separate-state-south-sudan/1660425.html> (accessed: 14 May 2013).

Tanzania Daily News, "Tanzania readies to dispatch TPDF troops to South", 27 March 2014, <http://www.dailynews.co.tz/index.php/local-news/29642-tanzania-gets-ready-to-dispatch-troops-to-south-sudan> (accessed: 12 April 2014).

taz, "UN bereichert sich im Südsudan. Danke für das Geld", 22 December 2010, <http://www.taz.de/l63235/> (accessed: 4 October 2012).

The National, "Hardwood to help South Sudan wean itself from oil dependence", 14 February 2013, <http://www.thenational.ae/business/economy/hardwood-to-help-south-sudan-wean-itself-from-oil-dependence> (accessed: 16 August 2013).

The North Africa Post, "Egypt seals military cooperation with South Sudan", 25 March 2014, <http://northafricapost.com/5312-egypt-seals-military-cooperation-with-south-sudan.html> (accessed: 10 April 2014).

Tisdall, Simon, "South Sudan president sacks cabinet in power struggle", *Guardian*, 24 July 2013, <http://www.guardian.co.uk/world/2013/jul/24/south-sudan-salva-kiir-sacks-cabinet> (accessed: 25 July 2013).

Tombe, Wani, "Real versus Politicised National Reconciliation in South Sudan (1-2)", *Sudan Vision Daily*, 14 February 2013, <http://news.sudanvisiondaily.com/details.html?rsnpid=219430> (accessed: 15 February 2013).

UNDP, "South Sudan one year after independence: Increasing non-oil revenues", 6 July 2012, <http://www.undp.org/content/undp/en/home/presscenter/articles/2012/07/06/south-sudan-one-year-after-independence-increasing-non-oil-revenues/> (accessed: 20 February 2013).

UNESCO, "Culture and Nation Building in South Sudan", 9 July 2012, http://www.unesco.org/new/en/media-services/single-view/news/culture_and_nation_building_in_south_sudan/#.Ug4mdj7dJ74 (accessed: 22 November 2012).

UNMAS South Sudan. *Mine Action Newsletter*. October 2013, <http://unmas.createsend1.com/t/ViewEmail/j/AFFE896FD4286D10/5BB5F59C34A964350F8C96E86323F7F9> (accessed: 25 March 2014).

UNMISS, "South Sudan's 'no-tribe' team leaves for Maputo", 15 May 2014, <http://unmiss.unmissions.org/Default.aspx?tabid=3465&ctl=Details&mid=6047&ItemID=3880398&language=en-US> (accessed: 19 May 2014).

UNMISS, "UNMISS continues to shelter civilians, conduct patrols", 30 January 2014, <http://unmiss.unmissions.org/Default.aspx?tabid=3465&ctl=Details&mid=6047&ItemID=2971825&language=en-US> (accessed: 6 February 2014).

Upper Nile Times, "South Sudan rebel leader Machar and six others Charged for treason", 28 January 2014, <http://upperniletimes.net/details/628> (accessed: 7 February 2014).

Upper Nile Times, "The Government of Southern Sudan has outlined a strategic plan to eliminate Arabic in Secondary Schools by 2014", 9 September 2011, <http://upperniletimes.net/details/239> (accessed: 18 February 2012).

Van Oudenaren, Daniel, "Analysis: Major language constraints on media reach in South Sudan", *Radio Tamazuj*, 4 May 2014, <https://radiotamazuj.org/en/article/analysis-major-language-constraints-media-reach-south-sudan> (accessed: 5 May 2014).

Van Oudenaren, Daniel, "Analysis: Political dimensions of the South Sudan crisis", *Radio Tamazuj*, 5 March 2014, <https://radiotamazuj.org/en/article/analysis-political-dimensions-south-sudan-crisis> (accessed: 28 April 2014).

Verjee, Aly, "South Sudan's new vice-president: Battles Fought and the Secrecy of Diplomacy", *thoughtsonthesudans*, 27 August 2013, <http://thoughtsonthesudans.wordpress.com/2013/08/27/south-sudans-new-vice-president-battles-fought-and-the-secrecy-of-diplomacy/> (accessed: 17 March 2014).

Verjee, Aly, "Is all well in the teak forests of South Sudan?", *African Arguments*, 14 March 2013, <http://africanarguments.org/2013/03/14/is-all-well-in-the-teak-forests-of-south-sudan-by-aly-verjee/> (accessed: 7 April 2014).

Voice of America, "UN Accuses South Sudan Rebels of Targeted Ethnic Killings", 21 April 2014, <http://www.voanews.com/content/un-accuses-south-sudan-opposition-forces-of-atrocities-in-bentiu/1897708.html> (accessed: 22 April 2014).

Wani, Julius Nyambur, "The Fallacy of Peace, Unity, and Reconciliation in South Sudan", *South Sudan News Agency*, 28 November 2013, <http://www.southsudannewsagency.com/opinion/articles/the-fallacy-of-peace-in-south-sudan> (accessed: 27 January 2014).

Wël, PaanLuel, "Making Sense of President Kiir's Newly Restructured Cabinet", *PaanLuel Wël: South Sudanese Bloggers*, 1 August 2013, <http://paanluelwel2011.wordpress.com/2013/08/01/making-sense-of-president-kiirs-newly-restructured-cabinet-unedited/> (accessed: 19 August 2013).

Wilson, Hamish, "Jonglei Massacres - case for collaborative peacebuilding", *Insight on Conflict*, 21 February 2012, <http://www.insightonconflict.org/2012/02/massacres-jonglei-collaborative-peacebuilding/> (accessed: 4 February 2013).

World Bank. *Local Governance and Service Delivery Project*, available at: <http://www.worldbank.org/projects/P127079/local-governance-service-delivery-program?lang=en> (accessed: 15 February 2014).

Wudu, Waakhe Simon, "CES Governor Backs The Demand For Federalism", *Gurtong*, 13 May 2014, <http://gurtong.net/ECM/Editorial/tabid/124/ID/15250/Default.aspx> (accessed: 15 May 2014).

Wudu, Waakhe Simon, "South Sudan's Only Private TV Closes Down", *Gurtong*, 8 April 2014, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/15136/Default.aspx> (accessed: 8 April 2014).

Wudu, Waakhe Simon, "President Kiir Announces Plans For 2015 Elections", *Gurtong*, 23 January 2014, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/14698/Default.aspx> (accessed: 23 January 2014).

Wudu, Waakhe Simon, "Rebel Leader Yau Yau Accepts Ceasefire", *Gurtong*, 7 January 2014, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/14448/Rebel-Leader-Yau-Yau-Accepts-Ceasefire.aspx> (accessed: 27 January 2014).

Wudu, Waakhe Simon, "South Sudan opposition leader Lam Akol returns home", *The Niles*, 4 November 2013, <http://www.theniles.org/articles/?id=2124> (accessed: 14 November 2013).

Wudu, Waakhe Simon, "SPLM Chair Directs Secretariat to Organize Party Convention", *Gurtong*, 28 August 2013, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/12710/SPLM-Chair-Directs-Secretariat-to-Organize-Party-Convention.aspx> (accessed: 30 August 2013).

Wudu, Waakhe Simon, "35% increase: Minister presents annual budget to South Sudan's parliament", *The Niles*, 5 July 2013, <http://www.theniles.org/articles/?id=1924> (accessed: 21 August 2013).

Wudu, Waakhe Simon, "Minister Urges Youth to Participate In Agriculture Production", *Gurtong*, 21 March 2013, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/10190/Youth-Urged-To-Participate-in-Agricultural-Sector-Production.aspx> (accessed: 27 February 2014).

Wudu, Waakhe Simon, "Centralized Collections Were To Curb Corruption – Machar", *Gurtong*, 30 November 2012, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/8607/Centralized-Collections-Were-To-Curb-Corruption--Machar.aspx> (accessed: 9 April 2014).

Wudu, Waakhe Simon, "EU Toughens Funding Measures On South Sudan", *Gurtong*, 23 July 2011, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/5484/EU-Toughens-Funding-Measures-On-South-Sudan.aspx> (accessed: 14 August 2013).

Wudu, Boboya Simon, "South Sudan National Anthem Launched", *Juba Post*, June 2011, <http://jubapost.org/article-127.html> (accessed: 8 July 2011).

Zambakari, Christopher and Kang, Tarnjeet K., "Negotiating peace in South Sudan: Democracy, politics and armed movements", *African Arguments*, 14 January 2014, <http://africanarguments.org/2014/01/14/negotiating-peace-in-south-sudan-democracy-politics-and-armed-movements-by-christopher-zambakari-tarnjeet-k-kang/> (accessed: 9 April 2014).